



Final Regulation Agency Background Document

Agency name	Board for Barbers and Cosmetology
Virginia Administrative Code (VAC) citation	18 VAC 41-50
Regulation title	Tattooing Regulations
Action title	Promulgation
Date this document prepared	March 19, 2006

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.

Chapter 869 of the 2002 Acts of the Assembly mandated separate licensing categories under the Board for Barbers and Cosmetology for tattooing practitioners, schools, and parlors and salons where tattooing services are provided. The regulations contain the requirements for obtaining a license, renewal and reinstatement, safety and sanitation procedures, and standards of professional conduct.

To comply with Chapter 869 of the 2002 Acts of the Assembly and fulfill the Board for Barbers and Cosmetology responsibility to promulgate regulations, new regulations are promulgated to ensure competence and integrity of all licensees, ensure that the health and sanitary standards and safety procedures are adequate in parlors and other facilities where tattooing services are provided, and to administer the regulatory program.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On February 6, 2006, the Board for Barbers and Cosmetology adopted final regulations, 18 VAC 41-50-10 et seq., Tattooing Regulations, to implement requirements of Chapter 869 of the 2002 Acts of the Assembly.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

The regulatory action to promulgate regulations governing the licensure and practice of tattooing under the Board for Barbers and Cosmetology is mandated by Chapter 869 of the 2002 Acts of the Assembly.

Enactment of Chapter 869 of the 2002 Acts of the Assembly.

CHAPTER 869

An Act to amend and reenact §§ 54.1-700 through 54.1-703 and 54.1-704.1 through 54.1-706 of the Code of Virginia, relating to the regulation of body piercing and tattooing.

[H 531]

Approved April 17, 2002

Be it enacted by the General Assembly of Virginia:

1. That §§ [54.1-700](#) through [54.1-703](#) and [54.1-704.1](#) through [54.1-706](#) of the Code of Virginia are amended and reenacted as follows:

§ [54.1-700](#). Definitions.

As used in this chapter, unless the context requires a different meaning:

"Barber" means any person who shaves, shapes or trims the beard; cuts, singes, shampoos or dyes the hair or applies lotions thereto; applies, treats or massages the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays or other preparations in connection with shaving, cutting or trimming the hair or beard, and practices barbering for compensation and when such services are not performed for the treatment of disease.

"Barbering" means any one or any combination of the following acts, when done on the human body for compensation and not for the treatment of disease, shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair or applying lotions thereto; applications,

treatment or massages of the face, neck or scalp with oils, creams, lotions, cosmetics, antiseptics, powders, clays, or other preparations in connection with shaving, cutting or trimming the hair or a beard. The term "barbering" shall not apply to the acts described hereinabove when performed by any person in his home if such service is not offered to the public.

"Barber instructor" means any person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of barbering.

"Barbershop" means any establishment or place of business within which the practice of barbering is engaged in or carried on by one or more barbers.

"Board" means the Board for Barbers and Cosmetology.

"Body-piercer" means any person who for remuneration penetrates the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing" means the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing salon" means any place in which a fee is charged for the act of penetrating the skin of a person to make a hole, mark, or scar, generally permanent in nature.

"Body-piercing school" means a place or establishment licensed by the Board to accept and train students in body-piercing.

"Cosmetologist" means any person who administers cosmetic treatments; manicures or pedicures the nails of any person; arranges, dresses, curls, waves, cleanses, cuts, shapes, singes, waxes, tweezes, shaves, bleaches, colors, relaxes, straightens, or performs similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances unless such acts as adjusting, combing, or brushing prestyled wigs or hairpieces do not alter the prestyled nature of the wig or hairpiece, and practices cosmetology for compensation.

"Cosmetology" includes, but is not limited to, the following practices: administering cosmetic treatments; manicuring or pedicuring the nails of any person; arranging, dressing, curling, waving, cleansing, cutting, shaping, singeing, waxing, tweezing, shaving, bleaching, coloring, relaxing, straightening, or similar work, upon human hair, or a wig or hairpiece, by any means, including hands or mechanical or electrical apparatus or appliances, but shall not include such acts as adjusting, combing, or brushing prestyled wigs or hairpieces when such acts do not alter the prestyled nature of the wig or hairpiece.

"Cosmetology instructor" means a person who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of cosmetology.

"Cosmetology salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein cosmetology is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail care" means manicuring or pedicuring natural nails or performing artificial nail services.

"Nail salon" means any commercial establishment, residence, vehicle or other establishment, place or event wherein nail care is offered or practiced on a regular basis for compensation and may include the training of apprentices under regulations of the Board.

"Nail school" means a place or establishment licensed by the board to accept and train students in nail care.

"Nail technician" means any person who for compensation manicures or pedicures natural nails, or who performs artificial nail services for compensation, or any combination thereof.

"Nail technician instructor" means a licensed nail technician who has been certified by the Board as having completed an approved curriculum and who meets the competency standards of the Board as an instructor of nail care.

"School of cosmetology" means a place or establishment licensed by the Board to accept and train students and which offers a cosmetology curriculum approved by the Board.

"Tattoo parlor" means any place in which tattooing is offered or practiced.

"Tattoo school" means a place or establishment licensed by the Board to accept and train students in tattooing.

"Tattooer" means any person who for remuneration practices tattooing.

"Tattooing" means the placing of designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry, by the aid of needles or any other instrument designed to touch or puncture the skin.

§ [54.1-701](#). Exemptions.

The provisions of this chapter shall not apply to:

1. Persons authorized by the laws of ~~this~~ the Commonwealth to practice medicine and surgery or osteopathy or chiropractic;
2. Registered nurses licensed to practice in ~~this~~ the Commonwealth;
3. Persons employed in state or local penal or correctional institutions, rehabilitation centers, sanatoria, or institutions for care and treatment of the mentally ill or mentally deficient or for care and treatment of geriatric patients, as barbers, cosmetologists, nail technicians, barber instructors, cosmetology instructors, or nail technician instructors who practice only on inmates of or patients in such sanatoria or institutions;
4. Persons licensed as funeral directors or embalmers in ~~this~~ the Commonwealth;
5. Gratuitous services as a barber, nail technician, ~~or~~ cosmetologist, *tattooer, or body-piercer*;

6. Students enrolled in an approved school taking a course in barbering, nail care, ~~or~~ cosmetology, *tattooing, or body-piercing*;
7. Persons working in a cosmetology salon whose duties are expressly confined to the shampooing and cleansing of human hair under the direct supervision of a cosmetologist or barber;
8. Apprentices serving in a barbershop, nail salon or cosmetology salon licensed by the Board in accordance with the Board's regulations; and
9. Schools of barbering, nail care or cosmetology in public schools.

§ [54.1-702](#). Board for Barbers and Cosmetology; membership; officers; quorum.

A. Except as provided in subsections B and C, the Board for Barbers and Cosmetology shall be composed of ~~seven~~ *eight* members, of whom two members shall be licensed barbers, one of whom may be an owner or operator of a barber school; two members shall be licensed cosmetologists, one of whom may be an owner or operator of a cosmetology school; and one member shall be a licensed nail technician or a licensed cosmetologist engaged primarily in the practice of nail care, each of whom shall have been licensed in their respective professions for at least three years immediately prior to appointment, *one member who shall be either a licensed tattooer or a licensed body-piercer* and two citizen members. The terms of Board members shall be four years. No member shall serve for more than two full successive terms. The Board shall elect a chairman and a vice-chairman. A majority of the Board shall constitute a quorum.

B. Appointments to the Board of Cosmetology which expire on March 14, of 2000, 2001 and 2002, shall be extended to June 30 of the same year of expiration.

C. All members of the Board for Barbers and the Board for Cosmetology with unexpired terms, as of July 1, 2000, shall continue as members of their respective boards and shall complete their terms of appointment. Two positions on the Board for Cosmetology shall expire on June 30, 2001, and three positions shall expire on June 30, 2002. Two positions on the Board for Barbers shall expire on June 30, 2001, and one position shall expire on June 30, 2002.

D. The Governor shall appoint to the Board for Barbers and Cosmetology one licensed nail technician and two citizen members effective July 1, 2000; one licensed barber, who may be an owner or operator of a barber school, effective July 1, 2001; one licensed barber effective July 1, 2002; and two licensed cosmetologists, one of whom may be an owner or operator of a cosmetology school, effective July 1, 2002.

E. The Governor shall appoint to the Board for Barbers and Cosmetology either a tattooer or body-piercer who has practiced as a tattooer or body-piercer for at least five consecutive years immediately prior to appointment, effective July 1, 2002. The tattooer or body-piercer member shall not vote on any matters before the Board except matters related to tattooing and body-piercing until July 1, 2004.

§ [54.1-703](#). License required.

No person shall offer to engage in or engage in barbering, cosmetology, ~~or~~ nail care, *tattooing*, or *body-piercing* without a valid license issued by the Board, except as provided in § [54.1-701](#).

§ [54.1-704.1](#). License required for barbershop, cosmetology salon, nail care salon, tattoo parlor, and body-piercing salon.

No individual or entity shall operate a barbershop, cosmetology salon, ~~or~~ nail care salon, *tattoo parlor*, or *body-piercing salon* without a valid license issued by the Board.

The provisions of this section shall not apply to a licensed barber, cosmetologist, ~~or~~ nail technician, *tattooer*, or *body-piercer* who does not have an ownership interest in a licensed barbershop, cosmetology salon, ~~or~~ nail care salon, *tattoo parlor*, or *body-piercing salon* in which he is employed.

§ [54.1-704.2](#). License required for schools of barbering, cosmetology, nail care, tattooing, or body-piercing.

Except as provided in § [54.1-701](#), no person, firm or corporation shall operate or attempt to operate a school of barbering, cosmetology, ~~or~~ nail care, *tattooing*, or *body-piercing* unless licensed by the Board pursuant to its regulations.

§ [54.1-705](#). Inspections.

A. Inspectors and sanitarians of the State Department of Health, or an affiliated local health department, may inspect each barbershop, cosmetology salon, ~~and~~ nail care salon, *tattoo parlor*, and *body-piercing salon* in the Commonwealth regularly. Any infractions shall be immediately reported to the Health Department and the Director of the Department of Professional and Occupational Regulation for disciplinary action.

B. The Board may inspect barbershops, barber schools, cosmetology salons and schools, ~~and~~ nail care salons and schools, *tattoo parlors and schools*, and *body-piercing salons and schools* for compliance with regulations promulgated by the Board.

C. The Board shall specify procedures for enforcement of compliance with the disease control and disclosure requirements of § [18.2-371.3](#), including unannounced inspections by appropriate personnel.

D. The Board or the Virginia Department of Health, or an affiliated local health department, may regulate the sanitary condition of the personnel, equipment and premises of *tattoo parlors* and *body-piercing salons*.

§ [54.1-706](#). Different requirements for licensure.

The Board shall have the discretion to impose different requirements for licensure for the practice of barbering, cosmetology, ~~and~~ nail care, *tattooing*, and *body-piercing*.

2. That the provisions of this act shall become effective on July 1, 2004, except that § [54.1-702](#) shall become effective on July 1, 2002.

3. That the Board shall adopt final regulations to implement the provisions of this act to be effective by July 1, 2004.

<http://leg1.state.va.us/cgi-bin/legp504.exe?021+ful+CHAP0869>

Regulations are promulgated under the general authority of Chapter 2 of Title 54.1 of the Code of Virginia. Section 54.1-201(5) provides the Board the authority to promulgate regulations to administer the regulatory system:

§ 54.1-201. Powers and duties of regulatory boards.

The powers and duties of regulatory boards shall be as follows:

5. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by practitioners and to effectively administer the regulatory system administered by the regulatory board.

<http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-210>

The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulations and that the regulations comport with applicable state and/or federal law.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The Board proposes to promulgate regulations, 18 VAC 41-50-10 et seq., governing the licensure and practice of tattooing, schools, parlors, and salons as directed by Chapter 869 of the 2002 Acts of the Assembly.

The regulatory action is necessary to ensure minimal competence of tattooing practitioners. The regulatory action will establish qualifications for licensure, standards of practice, and requirements for maintaining licensure as a tattooer, school, or tattoo parlor or salon in the Commonwealth of Virginia. The regulatory action will also establish fees necessary to administer the licensure program in accordance with §54.1-113 of the Code of Virginia.

As directed by the 2002 General Assembly, the regulatory action is required to protect the health, safety and welfare of citizens of the Commonwealth. The regulations ensure that licensees have met qualifications that demonstrate minimum competency to protect the health, safety and

welfare of citizens of the Commonwealth and ensure that health, sanitary and safety standards are adequate in schools, parlors and salons where tattooing services are being provided.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.

The regulations contain provisions for the licensing of tattooers, parlors, salons, and schools under the Board for Barbers and Cosmetology as directed by Chapter 869 of the 2002 Acts of the Assembly. In addition to establishing the requirements for licensure, these regulations will ensure minimum competency and integrity of all licensees, and ensure that health, sanitation and safety standards are adequate in facilities where tattoo services are provided or taught.

These regulatory requirements include: 1) definitions of words and terms relative to the practice of providing tattooing services that will ensure that licensees understand the scope and limitations of their profession; 2) general requirements for obtaining a license to provide services as a tattooer or limited term tattooer or a certification to be a tattooing instructor or permanent cosmetic tattooing instructor; 3) general requirements for becoming a tattooing apprenticeship sponsor; 4) general requirements for obtaining a license to operate a tattoo parlor or permanent cosmetic tattoo salon; 5) general requirements for obtaining a license to operate a tattooing school or permanent cosmetic tattooing school; 6) detailed curriculum and training requirements to include minimum clock hours acceptable to sit for the board approved examination; 7) fees for initial, renewal, and reinstatement applications for tattooers, instructors, tattoo parlors, permanent cosmetic tattoo salons, tattooing schools, and permanent cosmetic tattooing schools; 7) sanitation and safety standards for tattoo parlors or permanent cosmetic tattoo salons that address disinfection and storage of implements, sanitation of equipment, and safety standards pertaining to the use of chemical products, the proper handling of blood spills, and client health guidelines; 8) measures to be taken to ensure that clients are qualified to receive tattooing services in compliance with § 18.2-371.3 of the Code of Virginia pertaining to minimum age; 9) requirements for obtaining certain disclosures and maintenance of records of notification to the client pertaining to risks associated with receiving tattooing services.

Issues

Please identify the issues associated with the proposed regulatory action, including:

- 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*
- 2) the primary advantages and disadvantages to the agency or the Commonwealth; and*
- 3) other pertinent matters of interest to the regulated community, government officials, and the public.*

If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage of the proposed regulatory action is that it will establish the licensing requirements for the practice of tattooing. The proposed regulatory action will be an advantage to the public in that it will provide clear and effective regulations to ensure competency and integrity and prevent deceptive or misleading practices by individuals providing tattooing services.

There are no disadvantages to the public or the Commonwealth with regards to regulations governing the licensure and practice of tattooing practitioners.

Changes made since the proposed stage

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
<p><u>18 VAC 41-50-10. Definitions.</u></p>	<p><u>18 VAC 41-50-10. Definitions.</u></p> <p><u>The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1- 700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.</u></p> <p><u>"Apprenticeship program" means an approved tattooing training program conducted by an approved apprenticeship sponsor.</u></p> <p><u>"Apprenticeship sponsor" means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in 18 VAC 41-50-70.</u></p> <p><u>"Aseptic technique" means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.</u></p> <p><u>"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.</u></p>	<p><u>["Direct supervision" means that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice, that a Virginia licensed tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student, or that a Virginia licensed permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student.]</u></p> <p><u>["Limited term tattooer" means a tattooer licensed to perform tattooing for a maximum of five consecutive days in an organized event or in a Virginia licensed tattoo parlor.]</u></p> <p><u>["Limited term tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.]</u></p> <p><u>["Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing</u></p>	<p>Comment received identified permanent cosmetic tattooing and providing tattooing services on a limited time frame as parts of the tattooing industry that needed to be included in the regulations.</p> <p>With the addition of school regulations, direction for supervision of apprentices and students was added.</p> <p>Changes were made to provide definitions for:</p> <p>- Direct</p>

	<p><u>"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.</u></p> <p><u>"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology as defined in § 54.1-700 of the Code of Virginia.</u></p> <p><u>"Reinstatement" means having a license restored to effectiveness after the expiration date has passed.</u></p> <p><u>"Renewal" means continuing the effectiveness of a license for another period of time.</u></p> <p><u>"Sterilization area" means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.</u></p> <p><u>"Temporary location" means a fixed location at which tattooing is performed for a specified length of time of not more than seven days in conjunction with a single event or celebration.</u></p>	<p><u>known in the industry as advanced permanent cosmetic tattooing including but not limited to cheek blush, eye shadow, breast and scar repigmentation or camouflage.]</u></p> <p><u>["Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.]</u></p> <p><u>["Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including but not limited to eyebrows, eyeliners, lip coloring, lip liners, or full lips.]</u></p> <p><u>["Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face, including but not limited to eyebrows, eyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, and on the body for breast and scar repigmentation or camouflage; also known as permanent make-up or micropigmentation.]</u></p> <p><u>["Permanent cosmetic tattooing Instructor" means a person who has been certified by the Board who meets the competency standards of the Board as an instructor of permanent cosmetic tattooing.]</u></p> <p><u>["Permanent cosmetic tattooing school" means a place or establishment licensed by the Board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the Board.]</u></p> <p><u>["Tattooing Instructor" means a person who has been certified by the Board who meets the</u></p>	<p>supervision</p> <ul style="list-style-type: none"> - Limited term tattooer - Limited term tattoo parlor - Master permanent cosmetic tattooer - Permanent cosmetic tattoo salon - Permanent cosmetic tattooer - Permanent cosmetic tattooing - Permanent cosmetic tattooing Instructor - Permanent cosmetic tattooing school - Tattooing Instructor <p>Since temporary locations and limited term parlors may operate at the same locations and time frame changes were made to revise time of licensure of temporary location to agree with limited term parlor.</p>
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		<p><u>competency standards of the Board as an instructor of tattooing.]</u></p> <p><u>“Temporary location” means a fixed location at which tattooing is performed for a specified length of time of not more than [seven five] days in conjunction with a single event or celebration.</u></p>	
<p><u>18 VAC 41-50-20. General requirements for tattooer.</u></p>	<p><u>18 VAC 41-50-20. General requirements for tattooer.</u></p> <p><u>A. In order to receive a license as a tattooer in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:</u></p> <p><u>1. The applicant must be in good standing as a tattooer in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a tattooer. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a tattooer.</u></p> <p><u>2. The applicant shall disclose his physical address. A post office box is not acceptable.</u></p> <p><u>3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and the board's tattooing regulations. 4. In accordance with § 54.1-204 of the Code of Virginia, the applicant must not have been convicted in any jurisdiction of a misdemeanor or felony that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the</u></p>	<p><u>18 VAC 41-50-20. General requirements for tattooer [, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer].</u></p> <p><u>A. In order to receive a license as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer] in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:</u></p> <p><u>1. The applicant shall be in good standing as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer] in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer]. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a tattooer [, limited term tattooer, permanent cosmetic tattooer, or master</u></p>	<p>From comment received, permanent cosmetic tattooing and providing tattooing services on a limited time frame were added to regulations; general requirements for licensure including eligibility to take the exam were added to provide qualification for licensure for limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer.</p> <p>Comment received indicated that fewer years of work experience was an acceptable time frame to demonstrate competency for application by</p>

	<p><u>applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</u></p> <p><u>5. The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service. 6. Persons who (i) make application [within one year after the effective date of this chapter]; (ii) have completed five years of documented work experience within the preceding eight years as a tattooer; and (iii) have completed a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.</u></p> <p><u>B. Eligibility to sit for board-approved examination.</u></p> <p><u>1. Training in the Commonwealth of Virginia. Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor shall be eligible to sit for the examination.</u></p> <p><u>2. Training outside of the Commonwealth of Virginia, but</u></p>	<p><u>permanent cosmetic tattooer</u>].</p> <p><u>2. The applicant shall disclose his physical address. A post office box is not acceptable.</u></p> <p><u>3. The applicant shall sign, as part of the application, a statement certifying that the applicant has read and understands the Virginia tattooing license laws and the board's tattooing regulations.</u></p> <p><u>4. In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</u></p> <p><u>5. The applicant shall provide evidence satisfactory to the board that the applicant has</u></p>	<p>waiver of exam.</p>
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	<p><u>within the United States and its territories. Any person completing a tattooing training or apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination.</u></p>	<p><u>passed the board approved examination, administered either by the board or by a designated testing service.</u></p> <p>6. <u>Persons who (i) make application [within one year after the effective date of this chapter]; (ii) have completed five three years of documented work experience within the preceding eight five years as a tattooer, and (iii) have completed a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.</u></p> <p><u>B. Eligibility to sit for board-approved examination.</u></p> <p>1. <u>Training in the Commonwealth of Virginia.</u></p> <p><u>[a.] Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor [or completing an approved tattooing training program in a Virginia licensed school of tattooing, or completing a permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school] shall be eligible to sit for the [applicable] examination.</u></p> <p><u>[b. Any person completing master permanent cosmetic training that is acceptable to the</u></p>	
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		<p><u>board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.]</u></p> <p>2. <u>Training outside of the Commonwealth of Virginia, but within the United States and its territories.</u></p> <p><u>[a.]Any person completing a tattooing [or permanent cosmetic tattooing] training or [tattooing] apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. [If less than required hours of tattooing or permanent cosmetic tattooing training or tattooing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training or tattooing apprenticeship or permanent cosmetic tattooing training or documentation of three years of work experience within the preceding five years as a tattooer, and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to blood borne disease,</u></p>	
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		<p><u>sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board in order to be eligible for examination.]</u></p> <p><u>[b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.]</u></p>	
<p><u>18 VAC 41-50-30. License by endorsement.</u></p>	<p><u>18 VAC 41-50-30. License by endorsement.</u></p> <p><u>Upon proper application to the board, any person currently licensed to practice as a tattooer in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-50-20 A 1 through A 4.</u></p>	<p><u>18 VAC 41-50-30. License by endorsement.</u></p> <p><u>Upon proper application to the board, any person currently licensed to practice as a tattooer[. permanent cosmetic tattooer, or master permanent cosmetic tattooer] in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer license[. permanent cosmetic tattooer license, or master permanent cosmetic tattooer license] without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-50-20 A 1 through A 4.</u></p>	<p>Qualifications for licensure of permanent cosmetic tattooer and master permanent cosmetic tattooer by endorsement were added to provide means for licensure by this method for these categories that were added to regulations from comment received.</p>
<p><u>18 VAC 41-50-70. General requirements for a tattooing apprenticeship sponsor.</u></p>	<p><u>18 VAC 41-50-70. General requirements for a tattooing apprenticeship sponsor.</u></p> <p><u>A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:</u></p> <p><u>1. Holds a current Virginia tattooer license;</u></p>	<p><u>18 VAC 41-50-70. General requirements for a tattooing apprenticeship sponsor.</u></p> <p><u>A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:</u></p> <p><u>1. Holds a current Virginia</u></p>	<p>Comment received indicated that fewer years of work experience was an acceptable time frame to demonstrate competency to qualify to be a sponsor.</p>

	<p><u>2. Provides documentation of legally practicing tattooing for at least seven years; and</u></p> <p><u>3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.</u></p> <p><u>B. Apprenticeship sponsors shall be required to maintain a tattooer license.</u></p> <p><u>C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.</u></p>	<p><u>tattooer license;</u></p> <p><u>2. Provides documentation of legally practicing tattooing for at least seven five years; and</u></p> <p><u>3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.</u></p> <p><u>B. Apprenticeship sponsors shall be required to maintain a tattooer license.</u></p> <p><u>C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.</u></p>	
<p><u>18 VAC 41-50-80. Parlor license.</u></p>	<p><u>A. Any individual wishing to operate a tattoo parlor shall obtain a tattoo parlor license in compliance with § 54.1-704.1 of the Code of Virginia.</u></p> <p><u>B. A tattoo parlor license shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the parlor shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.</u></p> <p><u>C. In the event of a closing of a tattoo parlor, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.</u></p> <p><u>D. Any individual wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license issued by the board.</u></p>	<p><u>18 VAC 41-50-80. [Tattoo p P]arlor [limited term tattoo parlor, or permanent cosmetic tattoo salon] license.</u></p> <p><u>A. Any individual wishing to operate a tattoo parlor[, limited term tattoo parlor, or permanent cosmetic tattoo salon] shall obtain a tattoo parlor license[, limited term tattoo parlor license, or permanent cosmetic tattoo salon license] in compliance with § 54.1-704.1 of the Code of Virginia.</u></p> <p><u>B. A tattoo parlor license[, limited term tattoo parlor license, or permanent cosmetic tattoo salon license] shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the parlor [or salon] shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.</u></p>	<p>Changes were made to include business license applicability to limited term tattoo parlor or permanent cosmetic tattoo parlor and include parameters for limited term tattoo parlor in that comment received identified permanent cosmetic tattooing and providing tattooing services on a limited time frame as parts of the tattooing industry that needed to be included in the regulations;</p>

		<p><u>C. In the event of a closing of a tattoo parlor [or permanent cosmetic tattoo salon], the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.</u></p> <p><u>D. Any individual wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license [or limited term tattoo parlor license] issued by the board.</u></p> <p><u>[E. A limited term tattoo parlor license is effective for five consecutive days prior to the expiration date.]</u></p> <p><u>[F. A person or entity may obtain a maximum of five limited term tattoo parlor licenses within a calendar year.]</u></p> <p><u>[G. A person or entity may obtain a maximum of two limited term tattoo parlor licenses within a thirty consecutive days time period.]</u></p>	
<p><u>18 VAC 41-40-90. Limited term tattooer license.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-40-90. Limited term tattooer license.]</u></p> <p><u>[A. A limited term tattooer license is effective for five consecutive days prior to the expiration date.]</u></p> <p><u>[B. A person may obtain a maximum of five limited term tattooer licenses within a calendar year.]</u></p> <p><u>[C. A person may obtain a maximum of two limited term tattooer licenses within a thirty consecutive days time period.]</u></p> <p><u>[D. A limited term tattooer applicant must meet the following qualifications:</u></p>	<p>Parameters for limited term tattooer and specific qualifications for licensure were added to provide specifics on term and licensure requirements since comment received indicated that providing tattooing services on a limited time frame as part of the tattooing industry that</p>

		<p><u>1. Requirements set forth in 18 VAC 41-50-20.A.1 through 18 VAC 41-50-20 A 4.</u></p> <p><u>2. Documentation of health education knowledge to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR that is acceptable to the board.]</u></p> <p><u>[E. A limited term tattooer applicant is not required to complete 18 VAC 41-50-20 A 5.]</u></p>	<p>needed to be included in the regulations.</p>
<p><u>18 VAC 41-30-100. School license.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-30-100. School license.]</u></p> <p><u>[A. Any individual wishing to operate a tattooing school or permanent cosmetic tattooing school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia.]</u></p> <p><u>[B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.]</u></p> <p><u>[C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.]</u></p>	<p>Since schools were identified by comment received as an option that should be included for meeting education and training requirements changes were made to include qualifications and parameters for school license.</p>

		<p><u>[D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.]</u></p>	
<p><u>18 VAC 41-40-110. Tattooing instructor certificate.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-40-110. Tattooing instructor certificate.]</u></p> <p><u>[A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:</u></p> <ol style="list-style-type: none"> <u>1. Holds a current Virginia tattooer license; and</u> <u>2. Provides documentation of 3 years of work experience within the past 5 years.]</u> <p><u>[B. Tattooing instructors shall be required to maintain a tattooer license.]</u></p>	<p>Since schools were identified by comment received as an option that should be included for meeting education and training requirements changes were made to include qualifications and parameters for tattooing instructor.</p>
<p><u>18 VAC 41-40-120. Permanent cosmetic tattooing instructor certificate.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-40-120. Permanent cosmetic tattooing instructor certificate.]</u></p> <p><u>[A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:</u></p> <ol style="list-style-type: none"> <u>1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license; and</u> <u>2. Provides documentation of 3 years of work experience within the past 5 years.]</u> 	<p>Since schools were identified by comment received as an option that should be included for meeting education and training requirements changes were made to include qualifications and parameters for permanent cosmetic tattooing instructor.</p>

		<p><u>[B. Permanent cosmetic tattooing instructors shall be required to maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license.]</u></p>	
<p><u>18 VAC 41-50-130. Fees.</u></p>	<p>The following fees apply:</p> <p><u>FEE TYPE AMOUNT DUE WHEN DUE</u></p> <p><u>Individuals:</u></p> <p><u>Application \$55 With application</u></p> <p><u>License by Endorsement \$55 With application</u></p> <p><u>Renewal \$55 With renewal card prior to expiration date</u></p> <p><u>Reinstatement \$110* *includes \$55 renewal fee and \$55 reinstatement fee With reinstatement application</u></p> <p><u>Parlors:</u></p> <p><u>Application \$90 With application</u></p> <p><u>Renewal \$90 With renewal card prior to expiration date</u></p> <p><u>Reinstatement \$180* *includes \$90 renewal fee and \$90 reinstatement fee With reinstatement application</u></p>	<p><u>18 VAC 41-50-90 130]. Fees.</u></p> <p><u>The following fees apply:</u></p> <p><u>FEE TYPE AMOUNT DUE WHEN DUE</u></p> <p><u>Individuals:</u></p> <p><u>Application \$55 With application</u></p> <p><u>License by Endorsement \$55 With application</u></p> <p><u>Renewal \$55 With renewal card prior to expiration date</u></p> <p><u>Reinstatement \$110* *includes \$55 renewal fee and \$55 reinstatement fee With reinstatement application</u></p> <p><u>[Instructors:]</u></p> <p><u>[Application] [\$60] [With application]</u></p> <p><u>[License by Endorsement] [\$60] [With application]</u></p> <p><u>[Renewal] [\$60] [With renewal card prior to expiration date]</u></p> <p><u>[Reinstatement] [\$60] [With reinstatement application]</u></p> <p><u>Parlors[or salons]:</u></p> <p><u>Application \$90 With application</u></p> <p><u>Renewal \$90 With renewal card prior to expiration date</u></p> <p><u>Reinstatement \$180* *includes \$90 renewal fee and \$90 reinstatement fee With reinstatement application</u></p>	<p>With the addition of instructors, salons, and schools to the regulations, fees consistent with instructors, salons, and schools under the Board for Barbers and Cosmetology were added.</p>

		<p><u>[Schools:]</u></p> <p><u>[Application \$120 With application]</u></p> <p><u>[Renewal \$120 With renewal card prior to expiration date]</u></p> <p><u>[Reinstatement \$240* *includes \$120 renewal fee and \$120 reinstatement fee With reinstatement application]</u></p>	
<u>18 VAC 41-50-140. Refunds.</u>	<u>18 VAC 41-50-100. Refunds.</u>	<u>18 VAC 41-50-[100 140]. Refunds.</u>	Numbering was changed in accordance with style manual.
<u>18 VAC 41-50-150. License renewal required.</u>	<p><u>18 VAC 41-50-110. License renewal required.</u></p> <p><u>All tattooer licenses and tattoo parlor licenses shall expire two years from the last day of the month in which they were issued.</u></p>	<p><u>18 VAC 41-50-[110 150]. License renewal required.</u></p> <p><u>All tattooer licenses, and tattoo parlor licenses, [tattooing instructors, tattooing schools, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, and permanent cosmetic tattooing schools] shall expire two years from the last day of the month in which they were issued.</u></p>	<p>With the addition of tattooing instructors, tattooing schools, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, and permanent cosmetic tattooing schools from comment received, changes were made to include applicability of renewal requirements to these categories.</p> <p>Numbering was</p>

			changed in accordance with style manual.
<u>18 VAC 41-50-160. Continuing education requirement.</u>	<u>18 VAC 41-50-120. Continuing education requirement.</u> All licensed tattooers shall be required to satisfactorily complete a <u>minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.</u>	<u>18 VAC 41-50-[120 160]. Continuing education requirement.</u> All licensed tattooers [<u>permanent cosmetic tattooers, and master permanent cosmetic tattooers</u>] shall be required to satisfactorily complete a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.	Applicability of continuing education requirements was added to permanent cosmetic tattooer licenses and master permanent cosmetic tattooer licenses as comment received indicated that these categories should be added to regulations. Numbering was changed in accordance with style manual.
<u>18 VAC 41-50-170. Notice of renewal.</u>	<u>18 VAC 41-50-130. Notice of renewal.</u>	<u>18 VAC 41-50-[130 170]. Notice of renewal.</u>	Numbering was changed in accordance with style manual.
<u>18 VAC 41-50-180. Failure to renew.</u>	<u>18 VAC 41-50-140. Failure to renew.</u> A. When a tattooer fails to renew his license within 30 days following its expiration date, the licensee shall meet the renewal requirements prescribed in 18 VAC 41-50-130, and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a	<u>18 VAC 41-50-[140 180]. Failure to renew.</u> A. When a tattooer[<u>permanent cosmetic tattooer, or master permanent cosmetic tattooer</u>] shall-fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements [prescribed in 18 VAC 41-50-130], and apply for reinstatement	Changes were made to include applicability of failure to renew requirements to permanent cosmetic tattooer licenses, master permanent

	<p><u>reinstatement application along with the required renewal and reinstatement fees.</u></p> <p><u>B. When a tattooer fails to renew his license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the board's current examination and shall receive a new license.</u></p> <p><u>C. When a tattoo parlor fails to renew its license within 30 days following the expiration date, it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.</u></p> <p><u>D. When a tattoo parlor fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.</u></p> <p><u>E. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.</u></p> <p><u>F. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.</u></p> <p><u>G. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee</u></p>	<p><u>of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.</u></p> <p><u>B. When a tattooer[, permanent cosmetic tattooer, or master permanent cosmetic tattooer] fails to renew their license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the Board's current examination and shall receive a new license.</u></p> <p><u>C. When a tattoo parlor [or permanent cosmetic tattoo salon] fails to renew its license within 30 days following the expiration date it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.</u></p> <p><u>D. When a tattoo parlor [or permanent cosmetic tattoo salon] fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.</u></p> <p><u>[E. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within 30 days following the expiration date shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a</u></p>	<p>cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, tattooing school licenses and permanent cosmetic tattooing schools licenses as comment received indicated that these categories should be added to regulations.</p> <p>Change made to remove unnecessary section reference.</p> <p>Numbering was changed in accordance with style manual.</p>
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	<p><u>shall be subject to the authority of the board for activities performed prior to reinstatement.</u></p> <p><u>H. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.</u></p>	<p><u>reinstatement application along with the required renewal and reinstatement fees.]</u></p> <p><u>[F. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.]</u></p> <p><u>[G].</u> <u>The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.</u></p> <p><u>[H].</u> <u>When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.</u></p> <p><u>[I].</u> <u>A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.</u></p> <p><u>[J].</u> <u>A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.</u></p>	
<p>18 VAC 41-50-</p>	<p>18 VAC 41-50-150. General</p>	<p>18 VAC 41-50-[150 190]. General</p>	<p>Clarification</p>

<p><u>190. General requirements.</u></p>	<p><u>requirements.</u></p> <p>A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to bloodborne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.</p> <p>B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements of 18 VAC 41-50-70.</p>	<p><u>requirements.</u></p> <p>A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.</p> <p>B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board's tattooing apprenticeship program shall meet the requirements in 18 VAC 41-50-70.</p> <p><u>[C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of 18 VAC 41-50-80.]</u></p>	<p>that apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of 18 VAC 41-50-80 was made to answer question of training location for apprentices.</p> <p>Numbering was changed in accordance with style manual.</p>
<p><u>18 VAC 41-50-200. Apprenticeship curriculum requirements.</u></p>	<p><u>18 VAC 41-50-160. Apprenticeship curriculum requirements.</u></p> <p>Apprenticeship curriculum requirements are as follows:</p> <p>1. Microbiology. a. Microorganisms, viruses, bacteria, fungi; b. Transmission cycle of infectious diseases; and c. Characteristics of antimicrobial agents.</p> <p>2. Immunization. a. Types of immunizations; b. Hepatitis A – G transmission and immunization; c. HIV/AIDS; d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza; e. Measles, mumps, and rubella; f. Vaccines and immunization; and g. General preventative measures to be taken to protect the tattooist and</p>	<p><u>18 VAC 41-50-[160 200]. Apprenticeship curriculum requirements.</u></p> <p>Apprenticeship curriculum requirements are as follows:</p> <p>1. Microbiology. a. Microorganisms, viruses, bacteria, fungi; b. Transmission cycle of infectious diseases; and c. Characteristics of antimicrobial agents.</p> <p>2. Immunization. a. Types of immunizations; b. Hepatitis A – G transmission and immunization; c. HIV/AIDS; d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza; e. Measles, mumps, and</p>	<p>Change made to correct language from tattooist to tattooer</p> <p>Change made in curriculum to clarify the acronym HIPP(Health Insurance Portability and Accountability Act of 1996 Privacy Rule).</p> <p>Changes were made to add subjects to apprenticeship curriculum that were identified through addition of school</p>

<p><u>client.</u></p> <p><u>3. Sanitation and disinfection.</u></p> <p><u>a. Definition of terms.</u></p> <p><u>(1) Sterilization;</u></p> <p><u>(2) Disinfection and disinfectant;</u></p> <p><u>(3) Sterilizer or sterilant;</u></p> <p><u>(4) Antiseptic;</u></p> <p><u>(5) Germicide;</u></p> <p><u>(6) Decontamination; and</u></p> <p><u>(7) Sanitation.</u></p> <p><u>b. The use of steam sterilization equipment and techniques;</u></p> <p><u>c. The use of chemical agents, antiseptics, disinfectants, and fumigants;</u></p> <p><u>d. The use of sanitation equipment;</u></p> <p><u>e. Preservice sanitation procedure; and</u></p> <p><u>f. Post-service sanitation procedure.</u></p> <p><u>4. Safety.</u></p> <p><u>a. Proper needle handling and disposal;</u></p> <p><u>b. How to avoid overexposure to chemicals;</u></p> <p><u>c. The use of Material Safety Data Sheets;</u></p> <p><u>d. Blood spill procedures;</u></p> <p><u>e. Equipment and instrument storage; and</u></p> <p><u>f. First aid and CPR.</u></p> <p><u>5. Bloodborne pathogen standards.</u></p> <p><u>a. OSHA and CDC bloodborne pathogen standards;</u></p> <p><u>b. Control plan for bloodborne pathogens;</u></p> <p><u>c. Exposure control plan for tattooers;</u></p> <p><u>d. Overview of compliance requirements; and</u></p> <p><u>e. Disorders and when not to service a client.</u></p> <p><u>6. Professional standards.</u></p> <p><u>a. History of tattooing;</u></p> <p><u>b. Ethics;</u></p> <p><u>c. Record keeping:</u></p> <p><u>(1) Client health history;</u></p> <p><u>(2) Consent forms; and</u></p> <p><u>(3) HIPPA Standards.</u></p> <p><u>d. Preparing station, making appointments, parlor ethics:</u></p> <p><u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u></p>	<p><u>rubella;</u></p> <p><u>f. Vaccines and immunization; and</u></p> <p><u>g. General preventative measures to be taken to protect the tattooist tattooer and client.</u></p> <p><u>3. Sanitation and Disinfection.</u></p> <p><u>a. Definition of terms.</u></p> <p><u>(1) Sterilization;</u></p> <p><u>(2) Disinfection and disinfectant;</u></p> <p><u>(3) Sterilizer or sterilant;</u></p> <p><u>(4) Antiseptic;</u></p> <p><u>(5) Germicide;</u></p> <p><u>(6) Decontamination; and</u></p> <p><u>(7) Sanitation.</u></p> <p><u>b. The use of steam sterilization equipment and techniques;</u></p> <p><u>c. The use of chemical agents, antiseptics, disinfectants, and fumigants;</u></p> <p><u>d. The use of sanitation equipment;</u></p> <p><u>e. Preservice sanitation procedure; and</u></p> <p><u>f. Post-service sanitation procedure.</u></p> <p><u>4. Safety.</u></p> <p><u>a. Proper needle handling and disposal;</u></p> <p><u>b. How to avoid overexposure to chemicals;</u></p> <p><u>c. The use of Material Safety Data Sheets;</u></p> <p><u>d. Blood spill procedures;</u></p> <p><u>e. Equipment and instrument storage; and</u></p> <p><u>f. First aid and CPR.</u></p> <p><u>5. Bloodborne pathogen standards.</u></p> <p><u>a. OSHA and CDC bloodborne pathogen standards;</u></p> <p><u>b. Control Plan for bloodborne pathogens;</u></p> <p><u>c. Exposure control plan for tattooers;</u></p>	<p>curriculum.</p> <p>Numbering was changed in accordance with style manual.</p>
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	<p><u>(2) Promoting services of the parlor and establishing clientele.</u> <u>e. Parlor management:</u> <u>(1) Licensing requirements; and Proposed Regulations</u> <u>Volume 21, Issue 25 Monday, August 22, 2005</u> <u>3459</u> <u>(2) Taxes.</u> <u>7. Tattooing.</u> <u>a. Client consultation;</u> <u>b. Client health form;</u> <u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u> <u>g. Proper use of equipment; and</u> <u>h. Material selection and use.</u></p>	<p><u>d. Overview of compliance requirements; and</u> <u>e. Disorders and when not to service a client.</u></p> <p><u>6. Professional Standards.</u> <u>a. History of tattooing;</u> <u>b. Ethics;</u> <u>c. Record keeping:</u> <u>(1) Client health history;</u> <u>(2) Consent forms; and</u> <u>(3) HIPPA [(Health Insurance Portability and Accountability Act of 1996 Privacy Rule)] Standards.</u> <u>d. Preparing station, making appointments, parlor ethics:</u> <u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u> <u>(2) Promoting services of the parlor and establishing clientele.</u> <u>e. Parlor management:</u> <u>(1) Licensing requirements; and</u> <u>(2) Taxes.</u> <u>[f. Supplies:</u> <u>(1) usages;</u> <u>(2) ordering; and</u> <u>(3) storage.]</u></p> <p><u>7. Tattooing.</u> <u>a. Client consultation;</u> <u>b. Client health form;</u> <u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u> <u>g. Proper use of equipment;</u> <u>[and]</u> <u>h. Material selection and use.</u> <u>[i. Needles;]</u> <u>[j. Ink;]</u> <u>[k. Machine;</u></p>	
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		<p><u>(1) construction;</u> <u>(2) adjustment; and</u> <u>(3) power supply.]</u> <u>[l. Art, drawing; and;]</u> <u>[m. Portfolio.]</u></p> <p><u>[8. Anatomy.</u> <u>a. Understanding of skin;</u> <u>and</u> <u>b. Parts and functions of</u> <u>skin.</u></p> <p><u>[9. Virginia tattooing laws and</u> <u>regulations.</u></p>	
<p><u>18 VAC 41-50-210. Hours of instruction and performances.</u></p>	<p><u>18 VAC 41-50-170. Hours of instruction and performances.</u></p> <p>A. Curriculum requirements specified in 18 VAC 41-50-160 shall be taught over a minimum of 1500 hours as follows:</p> <ol style="list-style-type: none"> <u>1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5 and 6 of 18 VAC 41-50-160;</u> <u>2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18 VAC 41-50-160; and</u> <u>3. The remaining 1000 hours shall be devoted to practical training and a total of 100 performances pertaining to subdivision 7 of 18 VAC 41-50-160.</u> <p>B. <u>An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.</u></p>	<p><u>18 VAC 41-50-[470 210]. Hours of instruction and performances.</u></p> <p>A. Curriculum requirements specified in 18 VAC 41-50-[460 200] shall be taught over a minimum of 1500 hours as follows:</p> <ol style="list-style-type: none"> <u>1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5 [and ,] 6 [, 8, and 9] of 18 VAC 41-50-[460 200];</u> <u>2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18 VAC 41-50-[460 200]; and</u> <u>3. The remaining 1000 hours shall be devoted to practical training [to include but not limited to apprenticeship curriculum requirements] and a total of 100 performances pertaining to subdivision 7 of 18 VAC 41-50-[460 200].</u> <p>B. <u>An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this</u></p>	<p>Numbering was changed in accordance with referenced sections and style manual and include sections added in previous section.</p>

		section.	
<u>18 VAC 41-50-220. Applicants for tattooing school license.</u>	NA	<p><u>[18 VAC 41-50-220. Applicants for tattooing school license.]</u></p> <p><u>[Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.]</u></p>	Timeframe for application for tattooing school was added to give guidance to applicants.
<u>18 VAC 41-50-230. General requirements.</u>	NA	<p><u>[18 VAC 41-50-230. General requirements.]</u></p> <p>[A tattooing school shall:</p> <ol style="list-style-type: none"> <u>1. Hold a tattooing school license for each and every location.</u> <u>2. Hold a tattoo parlor license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.</u> <u>3. Employ a staff of certified tattooing instructors.</u> <u>4. Develop individuals for entry level competency in tattooing.</u> <u>5. Submit its curricula for board approval.</u> <u>6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.</u> <u>7. Classroom instruction must be conducted in an area separate from the area</u> 	With the addition of schools to the regulations, general requirements for tattooing school were added for direction in operation of school.

		<p><u>where practical instruction is conducted and services are provided.</u></p> <p><u>8. All instruction and training of tattooers shall be conducted under the direct supervision of a certified tattooing instructor.]</u></p>	
<p><u>18 VAC 41-30-240. School identification.</u></p>	NA	<p><u>[18 VAC 41-30-240. School identification.]</u></p> <p><u>[Each tattooing school approved by the board shall identify itself to the public as a teaching institution.]</u></p>	<p>Identification requirement for tattooing school added to communicate type of operation to public.</p>
<p><u>18 VAC 41-30-250. Records.</u></p>	NA	<p><u>[18 VAC 41-30-250. Records.]</u></p> <p><u>[A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.]</u></p> <p><u>[B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.]</u></p> <p><u>[C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.]</u></p>	<p>So student records are maintained and accessible, record requirements for tattooing school were added to give direction to owners.</p>

		<p><u>[D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.]</u></p>	
<p><u>18 VAC 41-30-260. Hours reported.</u></p>	NA	<p><u>[18 VAC 41-30-260. Hours reported.]</u></p> <p><u>[Within 30 days of the closing of a licensed tattooing school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.]</u></p>	<p>To provide notification of closing and status of current training reporting of hours for tattooing school was added.</p>
<p><u>18 VAC 41-50-270. Health Education.</u></p>	NA	<p><u>[18 VAC 41-50-270. Health Education.]</u></p> <p><u>[Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.]</u></p>	<p>Health education requirement that corresponds with health education for apprentices added for applicants to tattooing school.</p>
<p><u>18 VAC 41-50-280. Tattooing school curriculum requirements.</u></p>	NA	<p><u>[18 VAC 41-50-280. Tattooing school curriculum requirements.]</u></p> <p><u>[Tattooing school curriculum requirements are as follows:]</u></p> <p><u>[1. Microbiology:</u></p> <p style="padding-left: 40px;"><u>a. Microorganisms, viruses, bacteria, fungi;</u></p> <p style="padding-left: 40px;"><u>b. Transmission cycle of infectious diseases;</u></p> <p style="padding-left: 40px;"><u>and</u></p> <p style="padding-left: 40px;"><u>c. Characteristics of antimicrobial agents.]</u></p> <p><u>[2. Immunization:</u></p>	<p>Curriculum requirements for tattooing school were added to provide required subjects for students and operators of schools.</p>

		<ul style="list-style-type: none"> <u>a. Types of immunizations;</u> <u>b. Hepatitis A – G transmission and immunization;</u> <u>c. HIV/AIDS;</u> <u>d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;</u> <u>e. Measles, mumps, and rubella;</u> <u>f. Vaccines and immunization; and</u> <u>g. General preventative measures to be taken to protect the tattooist and client.]</u> <p>[3. Sanitation and Disinfection:</p> <ul style="list-style-type: none"> <u>a. Definition of terms:</u> <ul style="list-style-type: none"> <u>(1) Sterilization;</u> <u>(2) Disinfection and disinfectant;</u> <u>(3) Sterilizer or sterilant;</u> <u>(4) Antiseptic;</u> <u>(5) Germicide;</u> <u>(6) Decontamination;</u> <u>and</u> <u>(7) Sanitation.</u> <u>b. The use of steam sterilization equipment and techniques;</u> <u>c. The use of chemical agents, antiseptics, disinfectants, and fumigants;</u> <u>d. The use of sanitation equipment;</u> <u>e. Preservice sanitation procedure; and</u> <u>f. Post-service sanitation procedure.]</u> <p>[4. Safety:</p> <ul style="list-style-type: none"> <u>a. Proper needle handling and disposal;</u> <u>b. How to avoid overexposure to chemicals;</u> <u>c. The use of Material Safety Data Sheets;</u> <u>d. Blood spill procedures;</u> <u>e. Equipment and</u> 	
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		<p><u>instrument storage; and</u> <u>f. First aid and CPR.]</u></p> <p>[5. Bloodborne pathogen standards: <u>a. OSHA and CDC bloodborne pathogen standards;</u> <u>b. Control plan for bloodborne pathogens;</u> <u>c. Exposure control plan for tattooers;</u> <u>d. Overview of compliance requirements; and</u> <u>e. Disorders and when not to service a client.]</u></p> <p>[6. Professional Standards: <u>a. History of tattooing;</u> <u>b. Ethics;</u> <u>c. Record keeping:</u> <u>(1) Client health history;</u> <u>(2) Consent forms; and</u> <u>(3) HIPPA (Health Insurance Portability and Accountability Act of 1996 Privacy Rule) Standards.</u> <u>d. Preparing station, making appointments, parlor ethics:</u> <u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u> <u>(2) Promoting services of the parlor and establishing clientele.</u> <u>e. Parlor management:</u> <u>(1) Licensing requirements; and</u> <u>(2) Taxes.</u> <u>f. Supplies:</u> <u>(1) usages;</u> <u>(2) ordering; and</u> <u>(3) storage.]</u></p> <p>[7. Tattooing: <u>a. Client consultation;</u> <u>b. Client health form;</u></p>	
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		<p><u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u> <u>g. Proper use of equipment;</u> <u>h. Material selection and use.</u> <u>i. Needles;</u> <u>j. Ink;</u> <u>k. Machine:</u> <u>(1) construction;</u> <u>(2) adjustment; and</u> <u>(3) power supply.</u> <u>l. Art, drawing; and;</u> <u>m. Portfolio.]</u></p> <p><u>[8. Anatomy:</u> <u>a. Understanding of skin; and</u> <u>b. Parts and functions of skin.]</u></p> <p><u>[9. Virginia tattooing laws and regulations.]</u></p>	
<p><u>18 VAC 41-50-290. Hours of instruction and performances.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-50-290. Hours of instruction and performances.]</u></p> <p><u>[A. Curriculum requirements specified in 18 VAC 41-50-280 shall be taught over a minimum of 750 hours as follows:</u> <u>1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of 18 VAC 41-50-280;</u> <u>2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18 VAC 41-50-280; and</u> <u>3. The remaining 250 hours shall be devoted to practical training to include but not limited to tattooing curriculum requirements and a total of 100 performances pertaining to subdivision 7 of 18 VAC 41-50-280.]</u></p> <p><u>[B. An approved tattooing school</u></p>	<p>Qualifications on instruction and performances for tattooing school were added to provide direction of how many hours must be dedicated to subjects and performances for students and operators of schools.</p>

		<p><u>may conduct an assessment of a student’s competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 350 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.]</u></p>	
<p><u>18 VAC 41-50-300. Applicants for permanent cosmetic tattooing school license.</u></p>	NA	<p><u>[18 VAC 41-50-300. Applicants for permanent cosmetic tattooing school license.]</u></p> <p><u>[Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.]</u></p>	<p>Timeframe for application for permanent cosmetic tattooing school was added to give guidance to applicants.</p>
<p><u>18 VAC 41-50-310. General requirements.</u></p>	NA	<p><u>[18 VAC 41-50-310. General requirements.]</u></p> <p><u>[A permanent cosmetic tattooing school shall:</u></p> <ol style="list-style-type: none"> <u>1. Hold a permanent cosmetic tattooing school license for each and every location.</u> <u>2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.</u> <u>3. Employ a staff of certified permanent cosmetic tattooing instructors.</u> <u>4. Develop individuals for entry level competency in permanent cosmetic tattooing.</u> <u>5. Submit its curricula for board approval.</u> 	<p>With the addition of schools to the regulations, general requirements for permanent cosmetic tattooing school were added for direction in operation of school.</p>

		<p><u>6. Inform the public that all services are performed by students if the permanent cosmetic tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.</u></p> <p><u>7. Classroom instruction must be conducted in an area separate from the area where practical instruction is conducted and services are provided.</u></p> <p><u>8. All instruction and training of permanent cosmetic tattooers shall be conducted under the direct supervision of a certified permanent cosmetic tattooing instructor.]</u></p>	
<u>18 VAC 41-30-320. School identification.</u>	NA	<p><u>[18 VAC 41-30-320. School identification.]</u></p> <p><u>[Each permanent cosmetic tattooing school approved by the board shall identify itself to the public as a teaching institution.]</u></p>	Identification requirement for permanent cosmetic tattooing school added to communicate type of operation to public.
<u>18 VAC 41-30-330. Records.</u>	NA		So student records are maintained and accessible, record requirements for permanent cosmetic tattooing school were added to give direction to owners.
<u>18 VAC 41-30-</u>	NA	<u>[18 VAC 41-30-340. Hours</u>	To provide

<p><u>340. Hours reported.</u></p>		<p><u>reported.]</u></p> <p><u>[Within 30 days of the closing of a licensed permanent cosmetic tattooing school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.]</u></p>	<p>notification of closing and status of current training reporting of hours for permanent cosmetic tattooing school was added.</p>
<p><u>18 VAC 41-50-350. Health Education.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-50-350. Health Education.]</u></p> <p><u>[Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on blood borne disease.]</u></p>	<p>Health education requirement that corresponds with health education for apprentices added for applicants to permanent cosmetic tattooing school.</p>
<p><u>18 VAC 41-50-360. Permanent cosmetic tattooing school curriculum requirements.</u></p>	<p>NA</p>	<p><u>[18 VAC 41-50-360. Permanent cosmetic tattooing school curriculum requirements.]</u></p> <p><u>[Permanent cosmetic tattooing school curriculum requirements are as follows:]</u></p> <ul style="list-style-type: none"> <u>[1. Virginia tattooing laws and regulations.]</u> <u>[2. Machines and devices.</u> <ul style="list-style-type: none"> <u>a. Coil machine;</u> <u>b. Hand device; and</u> <u>c. Others devices.]</u> <u>[3. Needles.</u> <ul style="list-style-type: none"> <u>a. Types;</u> <u>b. Uses; and</u> <u>c. Application.]</u> <u>[4. Anatomy.</u> <ul style="list-style-type: none"> <u>a. Layers of skin;</u> <u>b. Parts and functions of skin; and</u> <u>c. Diseases.]</u> 	<p>Curriculum requirements for permanent cosmetic tattooing school were added to provide required subjects for students and operators of schools.</p>

		<p><u>[5. Color theory.</u> <u>a. Skin and pigment color; and</u> <u>b. Handling and storage of pigments.]</u></p> <p><u>[6. Transmission cycle of infectious diseases.]</u></p> <p><u>[7. Immunization.</u> <u>a. Types of immunizations; and</u> <u>b. General preventative measures to be taken to protect the tattooist and client.]</u></p> <p><u>[8. Sanitation and Disinfection:</u> <u>a. Definition of terms.</u> <u>(1) Sterilization;</u> <u>(2) Disinfection and disinfectant;</u> <u>(3) Sterilizer or sterilant;</u> <u>(4) Antiseptic;</u> <u>(5) Germicide;</u> <u>(6) Decontamination; and</u> <u>(7) Sanitation.</u> <u>b. The use of steam sterilization equipment and techniques;</u> <u>c. The use of chemical agents, antiseptics, and disinfectants;</u> <u>d. The use of sanitation equipment;</u> <u>e. Preservice sanitation procedure; and</u> <u>f. Post-service sanitation procedure.]</u></p> <p><u>[9. Safety.</u> <u>a. Proper needle handling and disposal;</u> <u>c. Blood spill procedures;</u> <u>d. Equipment and instrument storage; and</u> <u>e. First aid.]</u></p> <p><u>[10. Bloodborne pathogen standards.</u> <u>a. OSHA and CDC bloodborne pathogen standards;</u></p>	
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		<p><u>b. Overview of compliance requirements; and</u> <u>c. Disorders and when not to service a client.]</u></p> <p><u>[11. Anesthetics.</u> <u>a. Use</u> <u>b. Types</u> <u>c. Application</u> <u>d. Removal]</u></p> <p><u>[12. Equipment.</u> <u>a. Gloves</u> <u>b. Masks</u> <u>c. Apron</u> <u>d. Chair</u> <u>e. Lighting</u> <u>f. Work table]</u></p> <p><u>[13. Professional Standards.</u> <u>a. History of permanent cosmetic tattooing;</u> <u>b. Ethics;</u> <u>c. Record keeping:</u> <u>(1) Client health history; and</u> <u>(2) Consent forms.</u> <u>d. Preparing station, making appointments, salon ethics:</u> <u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u> <u>(2) Promoting services of the salon and establishing clientele.</u> <u>e. Salon management:</u> <u>(1) Licensing requirements; and</u> <u>(2) Taxes.]</u></p> <p><u>[14. Permanent cosmetic tattooing.</u> <u>a. Client consultation;</u> <u>b. Client health form;</u> <u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u></p>	
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		<p><u>g. Proper use of equipment;</u> <u>h. Material selection and use.</u> <u>i. Eyebrows;</u> <u>j. Eyeliner;</u> <u>k. Lip coloring; and</u> <u>l. Lip liners;]</u></p>	
<p><u>18 VAC 41-50-370. Hours of instruction and performances.</u></p>	<p>NA</p>	<p><u>[8 VAC 41-50-370. Hours of instruction and performances.]</u></p> <p><u>[A. Curriculum and performance requirements specified in 18 VAC 41-50-360 shall be taught over a minimum shall be offered over a minimum of 90 clock hours.]</u></p> <p><u>[B. A minimum of 50 performances shall be completed as part of the required instruction. Completion of performances are determined as follows:</u></p> <ol style="list-style-type: none"> <u>1. Two complete eyebrows constitutes one performance;</u> <u>2. Two complete eye liners constitutes one performance; and</u> <u>3. One complete lip liner constitutes one performance.]</u> 	<p>Qualifications on instruction and performances for permanent cosmetic tattooing school were added to provide direction of how many hours must be dedicated to subjects and performances for students and operators of schools.</p>
<p><u>18 VAC 41-50-380. Display of license.</u></p>	<p><u>18 VAC 41-50-180. Display of license.</u></p> <p><u>A. Each tattoo parlor owner shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor or location where the licensee provides services.</u></p> <p><u>B. Each parlor owner shall ensure that no licensee performs any service beyond the scope of practice for the applicable license.</u></p> <p><u>C. Each parlor owner shall offer to</u></p>	<p><u>18 VAC 41-50-[480 380]. Display of license.</u></p> <p><u>A. Each tattoo parlor owner [or permanent cosmetic tattoo salon owner] shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor [or salon] or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor [or salon] or location where the licensee provides services.</u></p> <p><u>B. Each parlor owner [or permanent cosmetic tattoo salon owner] shall ensure that</u></p>	<p>Owner responsibilities apply to added categories and language to include applicability to permanent cosmetic tattoo salon owner and salon was added.</p> <p>Comment indicated confusion on options for records pertaining to</p>

	<p><u>licensees the full series of Hepatitis B vaccine.</u></p> <p><u>D. Each parlor owner shall maintain a record for each licensee of:</u></p> <ol style="list-style-type: none"> <u>1. Proof of completion of the full series of Hepatitis B vaccine;</u> <u>2. Proof of immunity by blood titer; or</u> <u>3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.</u> <p><u>E. All licensees shall operate under the name in which the license is issued.</u></p>	<p><u>no licensee [, apprentice, or student] performs any service beyond the scope of practice for the applicable license.</u></p> <p><u>C. Each [tattoo] parlor owner [or permanent cosmetic tattoo salon owner] shall offer to licensees the full series of Hepatitis B vaccine.</u></p> <p><u>D. Each [tattoo] parlor owner [or permanent cosmetic tattoo salon owner] shall maintain a record for each licensee of [one of the following]:</u></p> <ol style="list-style-type: none"> <u>1. Proof of completion of the full series of Hepatitis B vaccine;</u> <u>2. Proof of immunity by blood titer; or</u> <u>3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.</u> <p><u>E. All licensees shall operate under the name in which the license is issued.</u></p>	<p>Hepatitis B vaccine and language was added to clarify that only one option must be completed.</p>
<p><u>18 VAC 41-50-390. Physical facilities[, parlors and salons].</u></p>	<p><u>18 VAC 41-50-190. Physical facilities.</u></p> <p><u>A. A parlor must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.</u></p> <p><u>B. The parlor or temporary location shall be maintained in a clean and orderly manner.</u></p> <p><u>C. All facilities shall have a blood spill clean-up kit in the work area.</u></p> <p><u>D. Work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant. Surfaces that</u></p>	<p><u>18 VAC 41-50-[490 390]. Physical facilities[, parlors and salons].</u></p> <p><u>A. A parlor [or salon] must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor [or salon] shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.</u></p> <p><u>B. The parlor [, salon,] or temporary location shall be maintained in a clean and orderly manner.</u></p> <p><u>C. All facilities shall have a blood spill clean-up kit in the work area.</u></p> <p><u>D. Work surfaces shall be cleaned</u></p>	<p>Responsibilities pertaining to physical facilities apply to added categories and language to include applicability to salons was added.</p> <p>Comment received indicated additional direction concerning steam sterilizers was needed. Language added to give</p>

	<p><u>come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.</u></p> <p><u>E. Cabinets for the storage of instruments, dyes, pigments, single-use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.</u></p> <p><u>F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.</u></p> <p><u>G. All materials applied to the human skin shall be from single-use articles or transferred from bulk containers to single-use containers and shall be disposed of after each use.</u></p> <p><u>H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard surfaces that are nonporous, free of open holes or cracks, light colored, and easily cleaned. New parlors shall not include any dark-colored surfaces in the tattooing area. Existing parlors with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.</u></p> <p><u>I. Parlors and temporary locations shall have adequate lighting of at least 50-foot candles of illumination in the tattooing and sterilization areas.</u></p> <p><u>J. Adequate mechanical ventilation shall be provided in the parlor.</u></p> <p><u>K. Each parlor or temporary location shall be equipped with hand-cleaning facilities for its personnel</u></p>	<p><u>with an EPA registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.</u></p> <p><u>E. Cabinets for the storage of instruments, dyes, pigments, single use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.</u></p> <p><u>F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.</u></p> <p><u>G. All materials applied to the human skin shall be from single use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.</u></p> <p><u>H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard, surfaces that are non-porous, free of open holes or cracks, light colored, and easily cleaned. New parlor shall not include any dark-colored surfaces in the tattooing area. Existing parlors [or salons] with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.</u></p> <p><u>I. Parlors [and , salons, or] temporary locations shall have adequate lighting of at least 50 foot-candles of illumination in the tattooing and sterilization areas.</u></p>	<p>direction for protection by proper use of steam sterilizer.</p>
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	<p><u>with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.</u></p> <p><u>L. Animals are not permitted in the parlor or temporary location except for guide or service animals accompanying persons with disabilities, or nonmammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.</u></p> <p><u>M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.</u></p> <p><u>N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.</u></p> <p><u>O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.</u></p>	<p><u>J. Adequate mechanical ventilation shall be provided in the parlor.</u></p> <p><u>K. Each parlor [, salon] or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning of hands contaminated by body fluids.</u></p> <p><u>L. Animals are not permitted in the parlor, [salon,] or temporary location except for guide or service animals accompanying persons with disabilities, or non-mammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.</u></p> <p><u>M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.</u></p> <p><u>N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client's use in order to sustain optimal physical condition; such food and drink must be individually packaged.</u></p> <p><u>O. If tattooing is performed where cosmetology services are</u></p>	
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		<p><u>provided, it shall be performed in an area that is separate and enclosed.</u></p> <p><u>[P. All steam sterilizers shall be biological spore tested at least monthly.]</u></p> <p><u>[Q. Biological spore tests shall be verified through an independent laboratory.]</u></p> <p><u>[R. Biological spore test records shall be retained for a period of three years and made available upon request.]</u></p> <p><u>[S. Steam sterilizers shall be used only for instruments used by the parlor’s employees.]</u></p>	
<p><u>18 VAC 41-50-400. Tattooer [or permanent cosmetic tattooer or master permanent cosmetic tattooer] responsibilities</u></p>	<p><u>18 VAC 41-50-200. Tattooer responsibilities.</u></p> <p><u>A. All tattooers shall provide to the owner:</u></p> <p><u>1. Proof of completion of the full series of Hepatitis B vaccine;</u></p> <p><u>2. Proof of immunity by blood titer; or</u></p> <p><u>3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.</u></p> <p><u>B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.</u></p> <p><u>C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.</u></p> <p><u>D. All tattooers must wear single-use examination gloves while assembling tattooing instruments</u></p>	<p><u>18 VAC 41-50-[200 400]. Tattooer [or permanent cosmetic tattooer or master permanent cosmetic tattooer] responsibilities.</u></p> <p><u>A. All tattooers shall provide to the owner [one of the following]:</u></p> <p><u>1. Proof of completion of the full series of Hepatitis B vaccine;</u></p> <p><u>2. Proof of immunity by blood titer; or</u></p> <p><u>3. Written declaration of refusal of the owner’s offer of a full series of Hepatitis B vaccine.</u></p> <p><u>B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.</u></p> <p><u>C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.</u></p>	<p>Tattooer responsibilities apply to added categories and language to include applicability to permanent cosmetic tattooer or master permanent cosmetic tattooer was added.</p> <p>Comment indicated confusion on options for records pertaining to Hepatitis B vaccine and language was added to clarify that only one option must be completed.</p> <p>Comment received indicated</p>

	<p><u>and while tattooing.</u></p> <p><u>E. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised.</u></p> <p><u>1. Gloves should be removed and disposed of; and</u></p> <p><u>2. Hands shall be cleaned and a fresh pair of gloves used.</u></p> <p><u>F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.</u></p> <p><u>G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.</u></p> <p><u>H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.</u></p> <p><u>I. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.</u></p> <p><u>J. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.</u></p> <p><u>K. Each tattooer performing any tattooing procedures in the parlor shall have the education, training and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.</u></p>	<p><u>D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.</u></p> <p><u>E. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised[- :]</u></p> <p><u>1. Gloves should [shall] be removed and disposed of; and</u></p> <p><u>2. Hands shall be cleaned and a fresh pair of gloves used.</u></p> <p><u>F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.</u></p> <p><u>G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.</u></p> <p><u>H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.</u></p> <p><u>I. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.</u></p> <p><u>J. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.</u></p> <p><u>K. Each tattooer performing any tattooing procedures in the parlor [or salon] shall have the education, training [,] and experience, or any combination</u></p>	<p>additional direction concerning use of gloves and use of autoclave was needed. Language added to provide protection by use of gloves and to clarify that manufacturer's written instructions of the autoclave are to be followed.</p>
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	<p><u>L. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.</u></p> <p><u>M. Used, nondisposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.</u></p> <p><u>N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;</u></p> <p><u>O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.</u></p> <p><u>P. The ultrasonic unit shall be sanitized daily with a germicidal solution.</u></p> <p><u>Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.</u></p> <p><u>R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.</u></p> <p><u>S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.</u></p>	<p><u>thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.</u></p> <p><u>L. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed of in a puncture resistant container.</u></p> <p><u>M. Used, non-disposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.</u></p> <p><u>N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;</u></p> <p><u>O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.</u></p> <p><u>P. The ultrasonic unit shall be sanitized daily with a germicidal solution.</u></p> <p><u>Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.</u></p> <p><u>R. Autoclave sterilization bags with a color code indicator that changes</u></p>	
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	<p><u>T. Contaminated disposable and single-use items shall be disposed of in accordance with state regulations regarding disposal of biological hazardous materials.</u></p>	<p><u>color upon proper sterilization shall be utilized during the autoclave sterilization process.</u></p> <p><u>S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.</u></p> <p><u>T. Contaminated disposable and single-use items shall be disposed of in accordance with [federal and] state regulations regarding disposal of biological hazardous materials.</u></p> <p><u>[U. Follow the manufacturer’s written instructions of the autoclave.]</u></p>	
<p><u>18 VAC 41-50-410. Client qualifications, disclosures, and records.</u></p>	<p><u>18 VAC 41-50-210. Client qualifications, disclosures, and records.</u></p> <p><u>A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing a valid, government issued, positive identification card including, but not limited to, a driver’s license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.</u></p> <p><u>B. The tattooer shall verify and document in the permanent client record the client’s age, date of birth, and the type of identification provided.</u></p> <p><u>C. No person may be tattooed who appears to be under the influence of alcohol or drugs.</u></p> <p><u>D. Tattooing shall not be performed on any skin surface that manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.</u></p> <p><u>E. Before receiving a tattoo, each</u></p>	<p><u>18 VAC 41-50-210 410]. Client qualifications, disclosures, and records.</u></p> <p><u>A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing [or permanent cosmetic tattooing] a valid, government issued, positive identification card including, but not limited to, a driver’s license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.</u></p> <p><u>B. The tattooer[, permanent cosmetic tattooer, or master permanent cosmetic tattooer] shall verify and document in the permanent client record the client’s age, date of birth, and the type of identification provided.</u></p> <p><u>C. No person may be tattooed [or permanent cosmetic tattooed] who appears to be under the influence of alcohol or drugs.</u></p> <p><u>D. Tattooing [or permanent cosmetic tattooing] shall not be</u></p>	<p>Client qualifications, disclosures, and record responsibilities apply to added categories and language to include applicability to permanent cosmetic tattooing, permanent cosmetic tattooer, master permanent cosmetic tattooer, or permanent cosmetic tattoo salon was added.</p>

	<p><u>client and client’s parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.</u></p> <p><u>F. The tattoo parlor or temporary location shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:</u></p> <ol style="list-style-type: none"> <u>1. The name, address, and telephone number of the client;</u> <u>2. The date tattooing was performed;</u> <u>3. The client’s age, date of birth, and a copy of the positive identification provided to the tattooer;</u> <u>4. The specific color or colors of the tattoo and, when available, the manufacturer’s catalogue or identification number of each color used;</u> <u>5. The location on the body where the tattooing was performed;</u> <u>6. The name of the tattooer;</u> <u>7. A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and</u> 	<p><u>performed on any skin surface which manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.</u></p> <p><u>E. Before receiving a tattoo [or permanent cosmetic tattoo], each client and client’s parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.</u></p> <p><u>F. The tattoo parlor or temporary location [or permanent cosmetic tattoo salon] shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor [or permanent cosmetic tattoo salon] for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:</u></p> <ol style="list-style-type: none"> <u>1. The name, address, and telephone number of the client;</u> <u>2. The date tattooing [or permanent cosmetic tattooing] was performed;</u> <u>3. The client’s age, date of birth, and a copy of the positive identification provided to the tattooer [, permanent cosmetic tattooer, or master permanent cosmetic tattooer];</u> 	
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	<p>8. <u>The signature of the client and if applicable parent or guardian.</u></p>	<p>4. <u>The specific color or colors of the tattoo [or permanent cosmetic tattoo] and, when available, the manufacturer's catalogue or identification number of each color used;</u></p> <p>5. <u>The location on the body where the tattooing [or permanent cosmetic tattooing] was performed;</u></p> <p>6. <u>The name of the tattooer [, permanent cosmetic tattooer, or master permanent cosmetic tattooer];</u></p> <p>7. <u>A statement that the client has received a copy of applicable written care instructions, and that the client has read and understands the instructions; and</u></p> <p>8. <u>The signature of the client and if applicable parent or guardian.</u></p>	
<p><u>18 VAC 41-50-420. Grounds for license [or certificate] revocation [or] suspension [or probation]; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></p>	<p><u>18 VAC 41-50-220. Grounds for license revocation or suspension; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></p> <p><u>A. The board may, in considering the totality of the circumstances, fine any licensee and suspend or revoke or refuse to renew or reinstate any license, or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:</u></p> <p><u>1. The licensee is incompetent, negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer;</u></p>	<p><u>18 VAC 41-50-220 420]. Grounds for license [or certificate] revocation [or] suspension [or probation]; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></p> <p><u>A. The board may, in considering the totality of the circumstances, fine any licensee [or certificate holder] and suspend [, place on probation] or revoke or refuse to renew or reinstate any license [or certificate], or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:</u></p> <p><u>1. The licensee[, certificate</u></p>	<p>In accordance with § 54.1-201 of the Code of Virginia, language added to include probation</p> <p>Client qualifications, disclosures, and record responsibilities apply to added categories and language to include applicability to certificate holder applicant, limited term</p>

	<p><u>2. The licensee or applicant is convicted of fraud or deceit in the practice of tattooing;</u></p> <p><u>3. The licensee or applicant obtained, renewed or reinstated a license by false or fraudulent representation;</u></p> <p><u>4. The licensee or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;</u></p> <p><u>5. The licensee or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;</u></p> <p><u>6. A licensee fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;</u></p> <p><u>7. The licensee or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;</u></p> <p><u>8. The licensee or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license, certificate, or permit in connection</u></p>	<p><u>holder, or applicant] is incompetent, negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer; [permanent cosmetic;]</u></p> <p><u>2. The licensee[, certificate holder,] or applicant is convicted of fraud or deceit in the practice tattooing;</u></p> <p><u>3. The licensee[, certificate holder,] or applicant obtained, [attempted to obtain,] renewed or reinstated a license by false or fraudulent representation;</u></p> <p><u>4. The licensee[, certificate holder,] or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;</u></p> <p><u>5. The licensee[, certificate holder,] or applicant fails to produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;</u></p> <p><u>6. A licensee [or certificate holder] fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's [or certificate</u></p>	<p>tattoo parlor, permanent cosmetic tattoo salon, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer, and schools was added to give direction on grounds for action by the Board.</p>
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<p><u>with a disciplinary action in any other jurisdiction or of any license, certificate, or permit which has been the subject of disciplinary action in any other jurisdiction; or</u></p> <p><u>9. In accordance with § 54.1-204 of the Code of Virginia, the licensee or applicant has been convicted in any jurisdiction of a misdemeanor or felony that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant's record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</u></p> <p><u>B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any tattoo parlor or impose a fine as permitted by law, or both, if the board finds that:</u></p> <p><u>1. The owner or operator of the tattoo parlor fails to comply with the facility requirements of tattoo parlors provided for in this chapter or in any</u></p>	<p><u>holder's] failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;</u></p> <p><u>7. The licensee[, certificate holder,] or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;</u></p> <p><u>8. The licensee[, certificate holder,] or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license[, or certificate[, or permit] in connection with a disciplinary action in any other jurisdiction or of any license [, or certificate[, or permit] which has been the subject of disciplinary action in any other jurisdiction; or</u></p> <p><u>9. In accordance with § 54.1-204 of the Code of Virginia, the licensee or applicant [certificate holder] has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant's [regulant's] record of prior convictions, if the applicant [regulant] is unfit or unsuited to engage in the profession of tattooing [or permanent cosmetic tattooing]. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a</u></p>	
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	<p><u>local ordinances; or</u></p> <p><u>2. The owner or operator allows a person who has not obtained a license to practice as a tattooer unless the person is duly enrolled as an apprentice.</u></p> <p><u>C. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of tattooing.</u></p>	<p><u>conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</u></p> <p><u>B. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend [, place on probation] or refuse to renew or reinstate the license of any tattoo parlor[, limited term tattoo parlor, or permanent cosmetic tattoo salon] or impose a fine as permitted by law, or both, if the board finds that:</u></p> <p><u>1. The owner or operator of the tattoo parlor[, limited term tattoo parlor, or permanent cosmetic tattoo salon] fails to comply with the facility requirements of tattoo parlors [limited term tattoo parlor, or permanent cosmetic tattoo salons] provided for in this chapter or in any local ordinances; or</u></p> <p><u>2. The owner or operator allows a person who has not obtained a license to practice as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer] unless the person is duly enrolled as an apprentice.</u></p> <p><u>[C. In addition to Subsection A of this section, the board may, in considering the totality of the</u></p>	
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		<p><u>circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:</u></p> <ol style="list-style-type: none"> <u>1. An instructor of the approved school fails to teach the curriculum as provided for in this chapter; or</u> <u>2. The owner or director of the approved school permits or allows a person to teach in the school without a current tattooing instructor certificate; or</u> <u>3. The instructor, owner or director is guilty of fraud or deceit in the teaching of tattooing.]</u> <p><u>⊖ [D]. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend [, place on probation,] or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of tattooing.</u></p>	
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Public comment

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
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<p>Harry Winston Aron, II Harry's Tattoo Shop 107 Willow Court Ringgold, Virginia 24586 Virginia Licensed Tattooer and operates a Licensed Tattoo Parlor</p>	<p>Autoclave testing should be required and in the regulations.</p>	<p>The tattooing regulations have been revised to include autoclave testing as a requirement</p>
<p>Anthony Sharkey 234 Carriage Chase Circle Warrenton, VA 20186</p>	<p>Change the word "should" to "shall" in 18 VAC 41-50-200, Tattooer Responsibilities, E1. The sentence will then read: "Gloves shall be removed and disposed of ---"</p>	<p>The tattooing regulations have been revised to change the wording; under Tattooer Responsibilities from "should" to "shall" <u>Gloves should [shall] be removed and disposed of.</u></p>
<p>Liz Owens LizXLuv@aol.com Arlington,Va.22207</p>	<p>Some of the proposed regulations dealing with health and safety are very important to the tattooing industry. However I feel some of the regulations on apprenticing are a little extreme. Only allowing certain board certified tattoo artists to have apprentices limits the amount of tattooers and may in the future hinder the amount of staff in a shop. If you intend to outlaw tattooing in the state of Virginia in the future these measures are going in the right direction. Perhaps the state of Virginia should start trying to open up tattoo schools inside of accredited cosmetology schools for those interested as another option. A regulation I believe the board has neglected is not setting rules on if an apprentice can be charged. Apprentices do not get paid for the first 6 months of their job and some of these shops want money for training. An apprentice in a tattoo shop cleans up, sets up and does all the grunt work of the shop. I don't believe that it's fair to charge someone for working. I understand that to some tattooers, time is money and that their teaching is valuable but that's no reason to extort money from someone who intends to put their heart into their work. Tattoo artists are getting paid already by their client, why pull it from their free help? I also understand that if they went to school, they'd pay money but there they wouldn't be doing all the cleanup and setup for all the tattoo artists in the place. I thought that this profession was going to suit me since my background is art; I have an associate's degree in fine art but</p>	<p>Regulations revised to include licensure of schools.</p>

	<p>have since hit a lot of doors. I'm not rich, I'm a single mother and so far all I've found out is I'm talented but just don't have the money to try and fulfill a passion I've had for years. I hope I can someday be a tattoo artist but with shops asking 10 thousand and up for unpaid training as a tattoo artist it seems unlikely. This is a very disheartening situation and I'm sure that's the case for anyone who's ever wanted to tattoo.</p>	
<p>Regina Mullins, applicant for licensure as a tattooer P.O. Box 532 Wise, VA 24293</p>	<p>I tried to submit a comment on the town hall website but it would not load properly so I am submitting an email. The proposed tattoo regulations are positive actions and I support most of the proposed regulations. There are so many individuals that literally "butcher" others by lack of experience and cleanliness. I have seen horrible work and scarring throughout the years. Regulations have been needed and welcomed for the most part. The more experience that you have is a plus and this is a positive attribute that should not be simply discarded. I believe that an individual in this profession is constantly learning new techniques in the art and in sterilization. It is a never ending learning process. I have over 10 years experience developing my skill. I was not aware that the temporary regulations existed until after the deadline. The temporary regulations have been in effect for over a year and I did not receive any notification. I consider myself a person who tries to maintain an up-to-date account of the laws governing tattooing and body piercing. I check on the laws every few months to ensure that there had been no change. Never once, was there a link on the internet showing that the regulations were in effect. I had no idea to search "regulations" rather than "law". What about the individuals that did not receive notice of the regulations and missed the deadlines? Even though you may have over 10 years of experience, there is no options listed in the state of Virginia other than an apprenticeship. This I do not agree with. I have pride in my accomplishments and I have provided a service to individuals in a very sterile environment for many years. I have always taken extra precautions to ensure the individuals would receive a quality tattoo in the safest way possible. I never received any notification that the regulations were in effect. I renewed my business license which is clearly for tattoos and body piercings</p>	<p>A waiver of examination period is included in the final regulations.</p>

	<p>and I was never notified of the regulations. I do not know if my situation is isolated or if there are many others in my same situation. I have contacted a board representative on numerous occasions and the only alternative is to be an apprentice for a year. I have a tattoo license from another state and I have submitted my application for my Virginia license. Virginia regulations state that a license would be issued with verification of another state's license with additional verification of the completion of CPR and bloodborne pathogen courses. I have provided this. The regulations are almost identical to that of Virginia, yet I still have not received my license. I believe that if you have another license in a different state that Virginia should issue a license without hesitation as long as the requirements for that state is similar to that of Virginia. It should be based on experience without examination as this was the case with Virginia during the year of open enrollment. In my situation, I was employed by the state for 23 years. I worked very hard and performed very well at my position. As with any state job, stress is a very large factor. As you deal with families and individuals throughout the years, it is a very trying and heartfelt position. As an outlet to the everyday crisis, I was fortunate enough to have been taught the art of tattooing and body piercing by an experienced tattooist. For the last ten years, I have developed my tattooing and body piercing skills. I left my state job a few years ago to pursue a different opportunity and I can only provide statements from local police and individuals that will verify all of my experience. All of my savings and effort was placed in a local shop that has been open since last May. Now I am at a point of losing everything that I have worked for due to these regulation requirements at this time. Time is of the essence and a new business can fail quickly in this economy at this time. It is a very trying and difficult time for small business owners to be successful. I would hope that the board would promote small business and welcome the tax income for the community and state that is generated from its' success. I propose that as long as you can provide at least two years of credible verification of any type, that you should be able to obtain a license in the state of Virginia along with the other required verifications. I also propose that if you can submit credible</p>	
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	<p>verification of any type of seven years experience that you should be allowed to teach the art of tattooing and body piercing. I am proposing a change that will allow the same consideration to tattooist who missed the enrollment to be given an opportunity to obtain a license based on experience without apprenticeship or examination. I hope that the board would take into consideration of adding in the proposed regulations an adjustment to incorporate credible statements as verification of experience to qualify for licensure and apprenticeship requirements. This seems to be a fair proposal that would allow those with experience to continue to be an asset and contribute to the work force. I respectfully request that these changes be incorporated into the now existing regulations.</p>	
<p>Darrell L. Smith, President DSM Services, Inc. P.O. Box 3871 Mechanicsville, VA 24112</p>	<p>In brief, I find the regulations, as now proposed, to be highly discriminatory against Virginia businesspersons who have already demonstrated compliance with all current state requirements governing their businesses and many of whom have gone far beyond that by seeking professional training and certification not previously required by Virginia. For the state to now allow licensees from other states to be shown preferential treatment over Virginia taxpayers/business owners by requiring these Virginia candidates for licensing to undergo "apprenticeship training" under trainers (licensed tattoo artists) who may not have had any experience or training in cosmetology or in the less severe techniques (compared to tattooing in general) utilized in the semi-permanent makeup industry is a troublesome precedent which I do not believe the Board intended.</p> <p>In reading over several comments I have seen that others have submitted, I believe that many, if not all, of the suggestions made by Ms. Marjorie Grimm of the Society of Permanent Cosmetic Professionals (a copy of which is included at the end of this e-mail have great merit and offer a reasonable mechanism by which the Board can achieve its goals without (1) unduly creating the discrimination in treatment of licensing applicants and (2) replacing meaningful education and industry-related training with a new structure of inefficient and possibly superfluous apprentice programs.</p>	<p>The tattooing regulations have been revised to include language pertaining to permanent cosmetic tattooing.</p>

<p>Roxanne Zarafonetis, Owner Lasting Effects Permanent Cosmetic Institute 10 Brooking Court, #101 Timonium, MD 21093</p>	<p>1. *It is NOT my recommendation that a "permanent cosmetic apprenticeship" be approved for education; <u>except during a one year grandfathering in period.</u> This will allow ample time for any qualified instructor who wishes to do so, to open a permanent cosmetic school program approved by the Virginia Higher Education Board, comprised of the curriculum set forth in these regulations.</p> <p>2. It is important for the protection and safety of the citizens of Virginia, that a core group of Virginia Permanent Cosmetic Technicians be established who emerge from a <u>curriculum known to the board from state approved, higher education schools so that the board can form a knowledgeable "permanent cosmetic committee" to advise on such topics.</u></p> <p>3. The Permanent Cosmetic School should have a "basic level course" which teaches only the "basic level" procedures of permanent eyeliner, eyebrows and lipliner. This can be accomplished in 90 clock hours with a pre-approved curriculum which includes a clinical rotation and is taught by an experienced instructor. This number of clock hours can be reassessed in a three to four years.</p> <p>4. 10.0 Continuing Education Credits (CEU) per year should be mandatory as many advances come into the field.</p> <ul style="list-style-type: none"> • To include 2.5 hours in sterilization and disease control review or updates. • To include up to 7.5 hours in advanced techniques, relevant permanent cosmetic topics, etc. • No more than 2.0 hours may be in marketing or business topics. • No more than 3.0 hours can be home study courses. <p>5. You may choose to utilize the PC-MEDS Board Certification Exam for Permanent Cosmetic Technicians as a testing service for your examination for specifically designated "Permanent Cosmetic Technician" license. The title awarded to those who pass is "PC-</p>	<p>The tattooing regulations have been revised to include language pertaining to permanent cosmetic tattooing.</p>
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	<p>MEDS Board Certified Permanent Cosmetic Technician" and the initials "BC-PCT." Information on the exam board and exam is attached. The exam is in two sections- written and practical.</p>	
<p>William Barham, Licensed Tattooer Skin Ink & Body Shop 1097 East Main Street Radford, Virginia 24141 Tel .toll free 877-skinpic (754-6742) or phone or fax at 540-633-1846 E-mail at bodyshop@direcway.com. Our web site is www.skin-ink.com.</p>	<p>1. Autoclave Testing (monthly testing, records kept for 5 years, Name , Make , Serial Number of the Autoclave, { a pressure cooker is not an acceptable means of sterilization} 2. Blood born Pathogen Testing, Instead of using a private testing firm, who profits from us (the person taking the test), Every County Health Department in the State of Virginia , has an epiderdemiologist nurse , who is capable of administrating the class and the test and that money , equivalent to the private testing firms, could go into the State Treasure of Virginia, and hopefully , rerouted back to the Board of Barbers and Cosmetologist, (Tattooing and Body Piercing) to offset the cost of the addition to the Board. 3. I know I and most Tattoo Shops in Virginia, would love to have a separate hot and cold water sink in each station, however, the truth of the matter is about 95% of the shops in Virginia, do not own their shop, we rent, and the person or organization who owns the shop, will not allow us to make these improvements to their shops, not knowing if we are going to rent for a long time or if another tenant moves in, then these sinks , will possible not wanted and they have advised me that the would not like me to pursue putting sinks in every station. We do have one restroom with hot and cold water, which is not available to the public that we use. 4. There should be certain areas in a Tattoo Shop, (1) the outside area, waiting area, with the flash pictures on the walls and jewelry cases, etc. (2) Tattoo and Body Piercing Stations, which should all be separate rooms. Each should contain and ultrasonic , a clean surface to work off of , either glass, formica, or something that can easily be cleaned after each customer, Floors, should be vinal or a surface which is not wood porous, as should our work surface, and one that can easily be scrubbed down after each client. The lighting should be well lit, you can go by a candle power regulation, however there are very few people capable of measuring the candlepower of light in a room. The walls</p>	<p>The tattooing regulations have been revised to include autoclave testing as a requirement. Regarding the health education portion of the regulations, persons may obtain their health education from appropriate health education program provided by the Department of Health.</p>

	<p>should be painted of a product or enamel which can easily be cleaned, along with the ceiling. All tools for piercing and tattooing should be autoclaved, with a date or sterilization and the person who preformed the sterilization. The autoclave should contain, preferably distilled water and an ultrasonic cleaner, such as a G.P.C General Purpose Cleaner or Benzall. Cidex Plus 28 Day Solution is a good Solution as it has an activator, to disinfect jewelry, before autoclaving. You should have a disinfectant or Germalcicial Solution for wiping down the counters, etc, and we use a mixture of Green Soap and Distilled Water, Tradine, (equivalent to betadine or iodine), the just rubbing alcohol. This preps the skin for a Tattoo</p> <p>5. It is also advisable that a autoclave cleaner be used in your autoclave to clean it our monthly or bimonthly.</p> <p>6. Beside the outside waiting room, where the flash of pictures is in, then there should be stations for the artist to perform the Tattoos, then there should be a separate room, with the autoclave and everything in that room, should be sterilized in an enclosed separate room.</p> <p>7. All stations should have a certified sharps container for used piercing needles and a separate one for used Tattoo Needles, and should be picked up on a regular basis. You can call your local physician to find out who picks up his sharps container and this pickup receipt , should be kept on file for 5 years, I am sure I have left out many things, but wanted to get this in before the deadline.</p> <p>Please inform all the shops that when they get their shop license and Tattoo license that they should be displayed on the wall in the station, and an original copy displayed in the lobby so others can see and they should keep a card of each in their wallet. So many Shops are not taking this seriously and they should. because if OSHA told us how we should Tattoo , it would be much different, so it is good that we as a group of Professionals get together and write our own laws , keeping the Public Safety number one and protecting ourselves safe also</p>	
<p>Robyn Goodpasture Licensed Tattooer Practicing Permanent Make-Up</p>	<p>She is licensed as a Tattooer but her training is in permanent make-up. The license she was issued allows her to practice body art tattooing a procedure she is not trained in and vice-versa for those artists who are proficient</p>	<p>The tattooing regulations have been revised to include language pertaining to</p>

	<p>to practice body art tattooing and not trained to provide permanent make-up are issued the same license and classified as simple “tattooers”.</p> <p>Body art tattooing and permanent cosmetic tattooing are different and require different techniques and training.</p> <p>If the competent procedures for the general public are the ultimate goal, the regulations as they stand are incomplete.</p> <p>She recommends the SPCP suggestions for cosmetic tattooers and their exam.</p> <p>Ms. Goodpasture offers her help in creating an acceptable exam for cosmetic tattooers and recommends a different designation for those that practice permanent makeup “permanent cosmetic tattooer” this separate designation would cover only cosmetic tattooing.</p> <p>Also would like to provide an approved permanent make-up training school would look like, patterning after Part III in cosmetology rules and regulations.</p>	<p>permanent cosmetic tattooing and schools. Regarding examination, testing vendors are determined through the State of Virginia’s procurement procedures and we encourage all interested parties to participate in this process.</p>
<p>Kathleen Ciampi Executive Director Society of Permanent Cosmetic Professionals 69 North Broadway Des Plaines, Illinois 60016 Phone: 847-635-1300 Fax: 847-635-1326 Website: www.spcp.org E-mail: admin@spcp.org</p> <p>On behalf of the Board of Directors, Marjorie Grimm, President</p>	<p>The proposed tattooing emergency regulations do not provide for fair and equal provisions for in state technicians who can prove equivalent training and testing equal to the 1500 hour Virginia apprenticeship program.</p> <p>Solution Proposed:</p> <p>18 VAC 41-50-30 – Change the wording to read as follows:</p> <p>Upon proper application to the board, any person currently practicing as a tattooer in accordance with the legal provisions in any other state, or those currently practicing with a valid business license in the state of Virginia who have completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter, may be issued a tattooer license without an examination. However if an equivalent examination cannot be provided, these persons are subject to provision 18 VAC 41-50-40.</p>	<p>Tattooing regulations have been revised to include language pertaining to permanent cosmetic tattooing. Regarding examination, testing vendors are determined through the State of Virginia’s procurement procedures and we encourage all interested parties to participate in this process.</p>

	<p>Rationale: The state of Virginia should show no bias and offer the same equivalent “license by endorsement” to Virginia tattooer residents as they do to tattooers coming to Virginia from other states. If the only element missing for the equivalent credentials, whether it is an in state or out of state applicant is an equivalent test, enforcement of provisions of 18 VAC 41-50-40 would be reasonably applicable to either.</p> <p>It is very probable that without extending the “license by endorsement” provisions to Virginia tattooers, and also making provisions for the enforcement of 18 VAC 41-50-40 in the event of the inability to provide proof of equivalent testing requirements, legislature could be considered excessive and discriminating to in-state residents. It is in practice, requiring a person with an existing business practice in Virginia 4 years and 364 days of theory and practical experience to close their business and return to an apprentice status for a minimum of 800 hours (assuming the 700 hours credit for those showing competency in cited areas of training.</p> <p>Other observations and questions:</p> <ol style="list-style-type: none"> 1. 18 VAC 41-50-10 – Who are the approved apprenticeship sponsor? Do you make a list of these sponsors available to those considering tattooing or needing credentialed hours available? 2. 18 VAC 41-50-20-1. Is the Hepatitis B vaccine enforceable by federal law? There has been much discussion regarding this requirement due to religious beliefs as well as the current reports of this immunization being associated with MS. 3. 18 VAC 41-50-20-6 Who has written your “board approved examination?” What were their credentials? In the past, tattoo industry leaders have been solicited for input for state mandated testing. There has been no mention of contact with tattoo industry leaders for assistance with any Virginia tattoo test, particularly with the cosmetic tattoo industry. Please provide a reference list and areas being tested and at what is their content percentages. 	
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	<p>4. 18 VAC 41-50-60 Is there a review board that reviews the Apprenticeship Sponsor’s training curriculum? Who is responsible for ensuring that training curriculums meet these standards?</p> <p>5. 18 VAC 41-50-170-A.3 Hours of instructions and performances A.3. 100 performances pertaining to 18 VAC 41-50-160-7. Body art tattooing and permanent cosmetic performances require elaborations. Where as a “piece” of body art involves a design equal to “one piece” such as a heart, kanji symbol, etc. basic permanent cosmetic designs involved two separate “pieces” relating ton one procedure. For instance, there are two eyebrows relating to an eyebrow procedure, two eyes relating to an upper eyeliner procedure and the sam for lower eyeliner and two lips relating to a lip procedure. Each side of the face is different, the eyes are different and adjustments must be made for both to appear the same. The top and bottom lips are totally different in shape. To fairly call out for 100 performances for both body art and cosmetic tattooing we believe that an eyebrow should constitute two performances, a top eyeliner two erformances, a lower eyeliner two performances and a lip procedure two performances.</p> <p>6. 18 VAC 41-50-200-E. The current wording regarding communicable diseases requires the tattooer to make a judgment as to what is considered serious or highly communicable. A standard needs to be set or clarification made to ensure compliance.</p> <p>7. 18 VAC 41-50-200-K. There are specific colors and labeling designated by OSHA for puncture proof containers where sharps are disposed of. These requirements are omitted from your description of an appropriate container of sharps disposal.</p> <p>The SPCP highly encourages the persons responsible for the development of the Tattooing Emergency Regulations to consider the observation and suggestions provided.</p>	
<p>The Coalition of Body Modification Associations 69 North Broadway Des Plaines, Illinois 60016</p>	<p>As a member of the National Interstate Council of State Boards of Cosmetology, you are aware of the examinations for the tattoo and piercing (body modification) industries</p>	<p>Testing vendors are determined through the State of Virginia’s procurement</p>

	<p>that your organization has developed and may be promoting along with the concept of setting up the individual state Cosmetology Boards as oversight agencies.</p> <p>The Coalition of Body Modification Associations (CBMA) opposes this oversight examination of our industry. The CBMA consists of the Association of Professional Piercer (APP), the Alliance of Professional Tattooists (APT) and the Society of Permanent Cosmetic Professionals (SPCP).</p> <p>Upon review of the NIC objectives as posted to the website, (nictesting.org) we were unable to arrive at any logical conclusion as to why NIC would seek oversight of the body modification industry other than financial gain. Surely it has nothing to do with the objectives such as: “Encourage standardization of regulations affecting the practice of cosmetology in all states, districts, and territories;” or “Promote mutual esteem, goodwill, harmony and cooperation – for the general good of the Council – with professional and related organizations – for the general good of the Council.” If these were objectives, industry leaders would have been consulted not only on the testing aspect of NIC’s interest in body modification but also consideration would have been given to current laws that govern body art in the majority of states. It is perceived by us that harmony, goodwill and cooperation may not be on the agenda of the NIC.</p> <p>No one from the NIC contacted any of the CBMA organizations when the tattoo and piercing examinations were being created. No one from the NIC contacted any of the CBMA organizations when it began what appears to us as campaigning throughout the country at various NIC regional meetings for the promotion of body modification industry oversight. It is ironic that due to this body art examination requirement in Virginia, permanent cosmetic professionals are being forced to sit for an ill-planned body art test (NC failed to factored cosmetic tattooing into the exam) and if they do not pass, they are essentially out of business. Please refer to the letter outlining the problems the SPCP found with the Virginia regulatory process.</p> <p>Ironically as well, according to a 2003</p>	<p>procedures and we encourage all interested parties to participate in this process.</p> <p>Regulation of tattooing by the Board for Barbers and Cosmetology is directed by the <i>Code of Virginia</i>. Any change of responsibility must be made by the General Assembly amending the <i>Code of Virginia</i>.</p>
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	<p>industry survey, 26% of the permanent cosmetic professionals in the United States work in a medical environment where the Board of Cosmetology has not cognizance. To pursue regulatory authority over body modification could result in an exodus to the medical industry or, as a minimum, require an inconsistent application of law based on operational location of the body modification professional.</p> <p>We urge you, as a Cosmetology Board official, even in states where you currently by law have oversight of our industry, to understand and accept that body modification has no place in the cosmetology field.</p>	
<p>Susan Preston President Professional Program Insurance Brokerage 1701 Novato Boulevard Suite 101 Novato, CA Phone: 415-898-4242 Fax: 415-898-4238</p>	<p>Professional Program Insurance Brokerage (PPIB) has been insuring the tattoo, permanent cosmetic, and body piercing industries throughout the United Sates for over fifteen years. We have thousands of insured on our roster and first hand insight to potential problematic issues.</p> <p>To protect the public, these industries, in compliance with state laws for invasive services, adhere to mandated laws/guidelines. These standards have been developed over many years with the Centers for Disease Control, OSHA and the leading industry organizations: The Alliance of Professional Tattooists, the Association of Professional Piercers, and the Society of Permanent Cosmetic Professionals.</p> <p>Based on my insurance experience, I feel it is imperative to continue to regulate these industries by State Departments of Health. Training/apprenticeships should be in accordance with the industry standards set by these organizations. Boards of Barber and Cosmetology are not appropriate regulatory agency due to the fact the body art modification population is not licensed by, or work in a facility where the Board has cognizance.</p> <p>Over the more the 15 years we have insured these industries, we have not had insurance claims where the allegations were health related. Thus our claims experience supports continuance of the current system, which is setting standards through organizations and in conjunction with the health department</p>	<p>Regulation of tattooing by the Board for Barbers and Cosmetology is directed by the Code of Virginia.</p> <p>Any change of responsibility must be made by the General Assembly amending the Code of Virginia.</p>

	<p>guidelines. This has properly protected the public for many years and there seems to be no good reason why Boards of Barber and Cosmetology should step into thousands of facilities that have well-established guidelines that are not producing threats to the public safety.</p>	
<p>David A. Vidra, CLPN, MA President; Authorized Outreach Instructor for OSHA General Industry Health Educators, Inc. Education for the Modification Industry 515 East Grand River Avenue Suite F East Lansing, Michigan 48823 Phone: 517-333-0990 Fax: 517-336-5497 E-mail: Lachance@hlthedu.com Website: www.hlthedu.com</p> <p>Kris Lachance-Peters Vice President; Authorized Outreach Instructor for OSHA General Industry</p>	<p>We are writing this letter in support of the Coalition of Body Modification Association's (CBMA's) position on standardized testing and industry oversight for body modification practitioners (i.e. traditional tattoo artists, body piercers, and cosmetic tattoo artists).</p> <p>As an educational company with over seven years of teaching consulting experience in the body modification community, we believe that the successful implementation of uniform guidelines and regulations can assist in developing safe, quality environments for body modification practitioners. However, it is imperative that industry-specific guidelines and testing be developed by the professional organizations that are directly involved in the body modification community (i.e. the Association of Professional Piercers (APP), the Alliance of Professional Tattooists (APT), the Society of Permanent Cosmetic Professionals (SPCP), Health Educators, Inc.) We feel it would be detrimental the industry to have body modification practices fall under the regulatory umbrella of the National Council of State Boards of Cosmetology (NIC), since historically they have no relationship whatsoever with traditional tattooing, body piercing or cosmetic tattooing.</p> <p>Therefore, it is our professional opinion that standardized guidelines and testing should be developed and implemented to ensure the health and safety of body modification practitioners and to preserve the industry as a whole. However, such guidelines and testing criteria should <u>not</u> be developed by, nor fall under, the regulation of the State Boards of Cosmetology. It should instead be developed by the professional organizations directly involved in the body modification community in collaboration with the board of health in each state.</p>	<p>Testing vendors are determined through the State of Virginia's procurement procedures and we encourage all interested parties to participate in this process.</p> <p>Regulation of tattooing by the Board for Barbers and Cosmetology is directed by the Code of Virginia. Any change of responsibility must be made by the General Assembly amending the Code of Virginia.</p>

<p>Whitney D. Tope, MPhil, MD Professor of Clinical Dermatology Assistant Director of Dermatologic Surgery University of California San Francisco 1701 Divisdera Street San Francisco, CA 94116 415-363-7800</p>	<p>Opposes new regulatory oversight of body modification arts by cosmetology boards.</p>	<p>Regulation of tattooing by the Board for Barbers and Cosmetology is directed by the Code of Virginia. Any change of responsibility must be made by the General Assembly amending the Code of Virginia.</p>
<p>Lynn A. Moore Supervising Environmentalist Hennepin County Human Services Department Public Health Protection Epidemiology and Environmental Health 1011 South First Street Suite 215 Hopkins, MN 55343-9413</p>	<p>Supports the need to regulate tattooing and piercing in order to protect the public. They prohibit certain types of body art (e.g. branding, cutting, three-dimensional implanting, piercing of nipples or genitals of minors, piercing associated with suspension); prohibits individuals from performing or receiving procedures under the influence of drugs or alcohol; and prohibits individuals from performing body art procedures without a license or outside of a licensed establishment.</p>	<p>The Board thanks Ms. Moore for her comments and attention to the promulgation of the tattooing regulations.</p>
<p>Tammy D'Eramo Advanced Dermagraphics 728 Bluecrab Road Newport News, VA 23606 Phone: 757-599-5477 www.permamakeup.net</p>	<p>Recommended language pertaining to permanent cosmetic tattooing and to include exemption for hospitals, doctor offices and persons performing permanent cosmetic in hospitals and doctors offices under the responsibility of a person licensed to practice medicine and dentistry.</p>	<p>Exemptions to statutes are included in the Code Any change of exemptions must be made by the General Assembly amending the Code of Virginia.</p>
<p>Alexis Lawson Softap@comcast.net 925-248-6301</p>	<p>As you know it is important that examinees have the opportunity to choose from several certifying bodies and not just one, so that they can earn a living. The reason for this is that monopolization can easily occur. We have noticed that you already have one organization that you are recommending for such exams. We would like to know how we can be included in this process since we know our own industry very well and would like to participate in the examination process. On a daily basis we provided professional support to a database of at least 20,000 professionals in our field. We have several instructors in Virginia who can help us to implement certification exams on an ongoing basis. They are well qualified with many years of experience behind them.</p>	<p>Testing vendors are determined through the State of Virginia's procurement procedures and we encourage all interested parties to participate in this process.</p>

<p>Marjorie Grimm 408-646-5723 facebydsgn@aol.com</p>	<p>Recommends language pertaining permanent cosmetic tattooing.</p> <p>That grandfathering requirements be equitable to in-state and out-of-state applicants.</p> <p>That definition of permanent cosmetic tattooing encapsulates industry.</p> <p>Does not support Maine's regulations but supports Oregon's as a model program for cosmetic tattooing</p>	<p>Regulations revised to include language pertaining to permanent cosmetic tattooing.</p> <p>Grandfathering requirements apply to all applicants.</p>
<p>Charles S. Zwerling, MD, FACS Chairman of the Board American Academy of Micropigmentation 2709 Medical Office Place Goldsboro, NC 27534 Phone: 800-441-2515 Fax: 919-733-3701 E-mail: zwerling@micorpigmentation.org</p>	<p>The Academy believes that no single board such as a Board of Medicine, Nursing or Cosmetology should regulate and control Micropigmentation in a given state. Each practitioner should be certified by the Academy or an equally qualified board, licensed by the state, and regulated by the practitioner's own professional society: for example nurses would answer to the State Board of Nurses, cosmetologists to the State Board of Cosmetology, physicians to the State Board of Medical Examiners, and so forth. All practitioners would be under the auspices of the Health Department and Attorney General's Office. This format would eliminate conflicts of economic interests and provide the best opportunity for public safety.</p> <p>We respectfully request that you adopt the American Academy of Micropigmentation Board Certification as proof of competency in the field of permanent make up or Micropigmentation. The Academy's board certification examination has been adopted and approved by other State Legislatures as proof of competency.</p>	<p>Regulation of tattooing by the Board for Barbers and Cosmetology is directed by the Code of Virginia. Any change of responsibility must be made by the General Assembly amending the Code of Virginia.</p> <p>Testing vendors are determined through the State of Virginia's procurement procedures and we encourage all interested parties to participate in this process.</p>
<p>Lynn Smith- 1688 Stoney Creek Dr. Charlottesville, Va. 22902 1-434-979-7995</p>	<p>I have been a hairdresser for 24 years and have an established clientele. I have been working with cancer patients for 6 years with the American Cancer Society dealing with appearance related side affects. When I conduct the seminars at Martha Jefferson Hospital and The University of Va. hospital, I see these women blossom when I help them restore confidence with simple techniques of creating the illusion of lashes and brows. I have found it extremely gratifying being able to help them.</p>	<p>Regulations revised to include language pertaining to permanent cosmetic tattooing.</p>

	<p>I have healthy clients that have suffered with things like thin brows, short lashes, irregular lip lines...and they have had to apply makeup every day of their lives. When asked if they would be interested in permanent makeup, I have heard a resounding YES. They would not be comfortable going into a Tattoo Parlor but would be comfortable if I performed the service.</p> <p>I would like to be able to trained for this service in a reputable school...Maryland...Lasting Effects. The school is twice as expensive and twice as long but I knew it would be the best training, as none is offered in Va.</p> <p>I am disappointed that I am not able to attend this school and be able to provide this much needed service for my clients as well as others in need, due to outdated regulations.</p> <p>I hope that you will re-examine the regulations for cosmetic tattooing and make it feasible for someone like myself that just wants to be able to help restore peoples confidence. I think that it would behoove Va. to come up with a viable option for people like me to make it happen.</p> <p>I would hate to have to send my clients to Maryland or some other state to have the service provided.</p> <p>I think that Va. should keep the revenue in state and provide Virginians with a service from someone they trust.</p> <p>Please help me restore confidence to my clients in a convenient, reliable, regulated, professional environment.</p> <p>Please keep me posted on my options to better serve my clients and fellow Virginians.</p>	
<p>George Randy Darrar Appomattox, VA,</p>	<p>Posed several questions to the board (1) In keeping compliance with record retention, those artists that are free lance artist who maintains/house the records? Do the records move with the artist? Mr. Darrar stated he also works for Dillwyn Correctional Center for Men as a security office and behalf of inmates (2) Will inmates be able to meet the criteria under the apprentice standards and be granted the 700 hours credit for prior</p>	<p>Regulations are not effective at this time. Therefore response to questions will be provided based on final regulations. (1) 18 VAC 41-50-410 F states the tattoo parlor or</p>

	<p>experience towards the tattooing requirements? (3) Regarding the autoclave and sonic cleaners do they have to be in separate rooms? And if so does the room have to be vented? (4) How do you modify a shop to meet the criteria in the regulations, including handicap access? (5) What is the penalty for tattooing with out a license?</p> <p>Mr. Darrar stated he would like clarification on non-transferable license.</p>	<p>permanent cosmetic salon must maintain records. This does not prohibit artist from maintaining record also.</p> <p>(2) 18 VAC 41-50-210 B gives direction on assessment of an apprentice's competence. The regulations do not address where the apprentice obtains his competency.</p> <p>(3) 18 VAC 41-50-10 the definition for sterilization area states a separate room or area separate from workstations with restricted client access.</p> <p>(4) A contractor should be consulted for building modifications.</p> <p>(5) The first occurrence of unlicensed activity is a Class 1 misdemeanor in accordance with § 54.1-111 of the Code of Virginia.</p>
<p>Thea Duskin Richmond, VA</p>	<p>Would like the Board to consider artist who are self-taught and who have been working and consider artists that can not trace back their training to offer these artists an exam to show their competency, along with reference letters. Ms. Duskin also stated that in her opinion that every tattooer applying for licensure should be required to take an exam.</p>	<p>Waiver of exam requirement reduced to 3 out of last 5 years.</p>
<p>Nick Bennett Richmond, VA</p>	<p>Recommended that the Board require autoclave testing to ensure sanitation and infection control of equipment. Mr. Bennett stated he wished there was a school for tattooing training and also recommends testing for every tattooer applying for</p>	<p>Regulations revised to include autoclave testing requirement.</p> <p>Regulations revised to include licensure of</p>

	<p>licensure, citing that information is sometimes not disseminated correctly and not all information received is good.</p>	<p>schools.</p>
<p>Randy A Holder 1460 Millington Drive Virginia Beach VA 23464 757-692-8288</p>	<p>The definitions must be specific and address any ambiguity that might arise; the addition of the following content is recommended.</p> <p>“Apprenticeship program” a licensed tattooing establishment, parlor, and shop.</p> <p>“Tattoo Parlor” commercial establishment, residence, vehicle or other establishment, place or event wherein tattooing is offered or practiced on a regular basis for compensation and may include training of apprentices under regulations of the Board.</p> <p>“Tattoo Technician Instructor” means any individual approved to conduct tattoo technician training who meets the competency standards of the Board as Tattooing Technician Instructor.</p> <p>“School of Tattooing” means a place or establishment licensed by the Board to accept and train students and which employs a Tattooing Technician Instructor currently approved by the Board.</p> <p>The changing of the definition of endorsement is necessary because it excluded applicants that may not be currently licensed, even if the applicants work history and training meets the requirement of the regulations. The Board must then consider an applicants work history and training to see if it meets the requirement of the regulations.</p> <p>For entry under the waiver of exam add after the “final adoption” and document 3 years of work experience within the preceding 5 years as a tattooer.</p> <p>Recommends testing of instructors and adding to 18 VAC 41-50-70: 2a. Provides documentation of legally practicing tattooing for at least 3 years and; 2b. Passes a course in teaching techniques at the post-secondary education level; or 2c. Completes an instructor training course ... under the supervision of a certified tattoo technician instructor in a tattoo technician school; or 2d. Passes an examination in tattoo</p>	<p>To be consistent with the Code, regulations do not include the terms ‘establishments’ or ‘shops’.</p> <p>Tattooing school definition is in the Code and not repeated in regulations. Any change must be made by the General Assembly amending the Code of Virginia.</p> <p>Tattooing Instructor definition added to regulations.</p> <p>Current requirements for licensure endorsement is to provide evidence of current competency.</p> <p>Waiver of exam requirement reduced to 3 out of last 5 years.</p> <p>Regulations revised to include licensure of schools</p> <p>Revisions to regulations pertaining to facilities are of a level that would require full regulatory review and could be considered in future regulatory review.</p>

	<p>technician instructions respectively...</p> <p>Recommends under Physical facilities an Exposure Control Plan and a Decontamination Schedule on all bins, pails, and similar receptacles, and enclosed room with BIO Hazard Warning posted on the door and shall be separate from all other parts of the facility, a safety procedures manuals, sterilizer log, equipped with stainless steel sinks with foot activator, adequate ventilation.</p>	
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All changes made in this regulatory action

Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
NA	<u>18 VAC 41-50-10. Definitions.</u>	NA	<p><u>The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise. All terms defined in Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia are incorporated in this chapter.</u></p> <p><u>“Apprenticeship program” means an approved tattooing training program conducted by an approved apprenticeship sponsor.</u></p> <p><u>“Apprenticeship sponsor” means an individual approved to conduct tattooing apprenticeship training who meets the qualifications in 18 VAC 41-50-70.</u></p> <p><u>“Aseptic technique” means a hygienic practice that prevents and hinders the direct transfer of microorganisms, regardless of pathogenicity, from one person or place to another person or place.</u></p> <p><u>["Direct supervision" means that a Virginia licensed tattooer shall be present in the tattoo parlor at all times when services are being performed by an apprentice, that a Virginia licensed tattooing instructor shall be present in the tattooing school at all times when services are being performed by a student, or that a Virginia licensed permanent cosmetic tattooing instructor shall be present in the permanent cosmetic tattooing school at all times when services are being performed by a student.]</u></p>

			<p><u>"Endorsement" means a method of obtaining a license by a person who is currently licensed in another state.</u></p> <p><u>"Gratuitous services" as used in § 54.1-701.5 of the Code Virginia means providing tattooing services without receiving compensation or reward, or obligation. Gratuitous services do not include services provided at no charge when goods are purchased.</u></p> <p><u>"Licensee" means any person, partnership, association, limited liability company, or corporation holding a license issued by the Board for Barbers and Cosmetology, as defined in § 54.1-700 of the Code of Virginia.</u></p> <p><u>["Limited term tattooer" means a tattooer licensed to perform tattooing for a maximum of five consecutive days in an organized event or in a Virginia licensed tattoo parlor.]</u></p> <p><u>["Limited term tattoo parlor" means a tattoo parlor temporary location licensed to operate for a maximum of five consecutive days.]</u></p> <p><u>["Master permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as advanced permanent cosmetic tattooing including but not limited to cheek blush, eye shadow, breast and scar repigmentation or camouflage.]</u></p> <p><u>["Permanent cosmetic tattoo salon" means any place in which permanent cosmetic tattooing is offered or practiced for compensation.]</u></p> <p><u>["Permanent cosmetic tattooer" means any person who for compensation practices permanent cosmetic tattooing known in the industry as basic permanent cosmetic tattooing including but not limited to eyebrows, eyeliners, lip coloring, lip liners, or full lips.]</u></p> <p><u>["Permanent cosmetic tattooing" means placing marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin on the face , including but not limited to eyebrows, eyeliners, lip coloring, lip liners, full lips, cheek blush, eye shadow, and on the body for breast and scar repigmentation or camouflage; also known as permanent make-up or micropigmentation.]</u></p> <p><u>["Permanent cosmetic tattooing Instructor" means a person who has been certified by the Board who meets the competency standards of the Board as an instructor of permanent cosmetic tattooing.]</u></p>
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			<p><u>“Permanent cosmetic tattooing school” means a place or establishment licensed by the Board to accept and train students and offers a permanent cosmetic tattooing curriculum approved by the Board.</u></p> <p><u>“Reinstatement” means having a license restored to effectiveness after the expiration date has passed.</u></p> <p><u>“Renewal” means continuing the effectiveness of a license for another period of time.</u></p> <p><u>“Sterilization area” means a separate room or area separate from workstations with restricted client access in which tattooing instruments are cleaned, disinfected, and sterilized.</u></p> <p><u>“Tattooing Instructor” means a person who has been certified by the Board who meets the competency standards of the Board as an instructor of tattooing.</u></p> <p><u>“Temporary location” means a fixed location at which tattooing is performed for a specified length of time of not more than seven five days in conjunction with a single event or celebration.</u></p> <p>Definitions are included to provide understand to the meaning of words and terms used within the chapter and establishes that all terms defined in § 54.1-700 et seq., of the Code of Virginia are incorporated into the chapter.</p>
<p>NA</p>	<p><u>18 VAC 41-50-20. General requirements for tattooer [, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer].</u></p>	<p>NA</p>	<p><u>A. In order to receive a license as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer] in compliance with § 54.1-703 of the Code of Virginia, an applicant must meet the following qualifications:</u></p> <ol style="list-style-type: none"> <u>1. The applicant shall be in good standing as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer] in every jurisdiction where licensed, certified, or registered. The applicant shall disclose to the board at the time of application for licensure any disciplinary action taken in another jurisdiction in connection with the applicant's practice as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer]. The applicant shall disclose to the board at the time of application for licensure whether he has been previously licensed in Virginia as a tattooer [, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer].</u> <u>2. The applicant shall disclose his physical address. A post office box is not acceptable.</u> <u>3. The applicant shall sign, as part of the application, a</u>

			<p><u>statement certifying that the applicant has read and understands the Virginia tattooing license laws and the board’s tattooing regulations.</u></p> <p>4. <u>In accordance with § 54.1-204 of the Code of Virginia, the applicant shall not have been convicted in any jurisdiction of a misdemeanor or felony that directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant’s record of prior convictions, if the applicant is unfit or unsuited to engage in the profession of tattooing. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</u></p> <p>5. <u>The applicant shall provide evidence satisfactory to the board that the applicant has passed the board approved examination, administered either by the board or by a designated testing service.</u></p> <p>6. <u>Persons who (i) make application [within one year after the effective date of this chapter]; (ii) have completed [five three] years of documented work experience within the preceding [eight five] years as a tattooer, and (iii) have completed a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board are not required to complete subdivision 5 of this subsection.</u></p> <p><u>B. Eligibility to sit for board-approved examination.</u></p> <p>1. <u>Training in the Commonwealth of Virginia.</u></p> <p><u>[a.] Any person completing an approved tattooing apprenticeship program in a Virginia licensed tattoo parlor [or completing an approved tattooing training program in a Virginia licensed school of tattooing, or completing a permanent cosmetic tattooing training program in a Virginia licensed permanent cosmetic tattooing school] shall be eligible to sit for the [applicable] examination.</u></p> <p><u>[b. Any person completing master permanent cosmetic training that is acceptable to the</u></p>
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			<p><u>board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.]</u></p> <p>2. <u>Training outside of the Commonwealth of Virginia, but within the United States and its territories.</u></p> <p><u>[a.]Any person completing a tattooing [or permanent cosmetic tattooing] training or [tattooing] apprenticeship program that is substantially equivalent to the Virginia program but is outside of the Commonwealth of Virginia must submit to the board documentation of the successful completion of training or apprenticeship to be eligible for examination. [If less than required hours of tattooing or permanent cosmetic tattooing training or tattooing apprenticeship was completed, an applicant must submit (i) documentation acceptable to the board verifying the completion of a substantially equivalent tattooing training or tattooing apprenticeship or permanent cosmetic tattooing training or documentation of three years of work experience within the preceding five years as a tattooer, and (ii) documentation of completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing and first aid and CPR that is acceptable to the board in order to be eligible for examination.]</u></p> <p><u>[b. Any person completing master permanent cosmetic training that is acceptable to the board shall be eligible to sit for the examination. Training should be conducted in a permanent facility.]</u></p> <p>To provide licensure qualifications to persons interested in applying this sections establishes the general requirements for licensure as a tattooer, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer which include applicant qualifications and eligibility to sit for a board-approved examination and establishes qualifications for waiver of the examination for persons making application within one year after the effective date of this chapter.</p>
NA	<u>18 VAC 41-50-30. License by endorsement.</u>	NA	<p><u>Upon proper application to the board, any person currently licensed to practice as a tattooer[, permanent cosmetic tattooer, or master permanent cosmetic tattooer] in any other state or jurisdiction of the United States and who has completed a training or apprenticeship program and an examination that is substantially equivalent to that required by this chapter may be issued a tattooer licensel[, permanent</u></p>

			<p><u>cosmetic tattooer license, or master permanent cosmetic tattooer license]</u> without an examination. The applicant must also meet the requirements set forth in 18 VAC 41-50-20 A 1 through A 4.</p> <p>To provide a option for licensure for person licensed in another jurisdiction the section sets forth the requirements for obtaining a license by endorsement for applicants currently licensed to practice in another state or jurisdiction of the United States.</p>
NA	<u>18 VAC 41-50-40. Examination requirements and fees.</u>	NA	<p>A. <u>Applicants for initial licensure shall pass an examination approved by the board. The examinations may be administered by the board or by a designated testing service.</u></p> <p>B. <u>Any candidate failing to appear as scheduled for examination shall forfeit the examination fee.</u></p> <p>To inform applicants concerning examination requirement and fees, this section sets forth the requirement that applicants for an initial license pass an examination administered by the board or by a designated testing service. This section also states that any candidate failing to appear for an examination shall forfeit the examination fee.</p>
NA	<u>18 VAC 41-50-50. Reexamination requirements.</u>	NA	<p><u>Any applicant who does not pass a reexamination within one year of the initial examination date shall be required to submit a new application and examination fee.</u></p> <p>To inform applicants of examination timeframe this section requires any applicant who does not pass a reexamination within one year of the initial examination to submit new application and examination fee.</p>
NA	<u>18 VAC 41-50-60. Examination administration.</u>	NA	<p>A. <u>The examinations may be administered by the board or the designated testing service.</u></p> <p>B. <u>The applicant shall follow all procedures established by the board with regard to conduct at the examination. Such procedures shall include any written instructions communicated prior to the examination date and any instructions communicated at the site, either written or oral, on the date of the examination. Failure to comply with all procedures established by the board and the testing service with regard to conduct at the examination may be grounds for denial of application.</u></p> <p>C. <u>The fee for examination or reexamination is subject to contracted charges to the board by an outside vendor. These contracts are competitively negotiated and bargained for in compliance with the Virginia Public Procurement Act (§2.2-4300 et seq. of the Code of Virginia). Fees may be adjusted</u></p>

			<p><u>and charged to the candidate in accordance with these contracts. The fee shall not exceed \$225.00 per candidate.</u></p> <p>To provide applicants information concerning the administration of the examination establishes the requirements for the administration of the examination to include the procedure for setting fees for examination and reexamination. This section also sets forth a standard of applicant conduct during the administration of an examination.</p>
NA	<u>18 VAC 41-50-70. General requirements for a tattooing apprenticeship sponsor.</u>	NA	<p><u>A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section may be eligible to sponsor a tattooing apprentice if the person:</u></p> <ol style="list-style-type: none"> <u>1. Holds a current Virginia tattooer license;</u> <u>2. Provides documentation of legally practicing tattooing for at least [seven five] years; and</u> <u>3. Provides documentation indicating that he is in good standing in all jurisdictions where the practice of tattooing is regulated.</u> <p><u>B. Apprenticeship sponsors shall be required to maintain a tattooer license.</u></p> <p><u>C. Apprenticeship sponsors shall ensure compliance with the 1500 hour tattooing apprenticeship program and tattooing apprenticeship standards.</u></p> <p>An option for licensure is apprenticeship and this section sets forth the general eligibility requirements for applicants desiring to be a tattooing apprenticeship sponsor.</p>
NA	<u>18 VAC 41-50-80. [Tattoo p P]arlor [limited term tattoo parlor, or permanent cosmetic tattoo salon] license.</u>	NA	<p><u>A. Any individual wishing to operate a tattoo parlor[, limited term tattoo parlor, or permanent cosmetic tattoo salon] shall obtain a tattoo parlor license[, limited term tattoo parlor license, or permanent cosmetic tattoo salon license] in compliance with § 54.1-704.1 of the Code of Virginia.</u></p> <p><u>B. A tattoo parlor license[, limited term tattoo parlor license, or permanent cosmetic tattoo salon license] shall not be transferable and shall bear the same name and address of the business. Any changes in the name, address, or ownership of the parlor [or salon] shall be reported to the board in writing within 30 days of such changes. New owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.</u></p> <p><u>C. In the event of a closing of a tattoo parlor [or permanent cosmetic tattoo salon], the board must be notified by the</u></p>

			<p><u>owners in writing within 30 days of the closing, and the license must be returned by the owners to the board.</u></p> <p><u>D. Any individual wishing to operate a tattoo parlor in a temporary location must have a tattoo parlor license [or limited term tattoo parlor license] issued by the board.</u></p> <p><u>[E. A limited term tattoo parlor license is effective for five consecutive days prior to the expiration date.</u></p> <p><u>F. A person or entity may obtain a maximum of five limited term tattoo parlor licenses within a calendar year.</u></p> <p><u>G. A person or entity may obtain a maximum of two limited term tattoo parlor licenses within a thirty consecutive days time period.]</u></p> <p>Licensure of facilities where tattooing services are provided is mandated and this section establishes the requirements for obtaining a parlor or salon license in compliance with § 54.1-704.1 of the Code of Virginia. This section also specifies actions to be taken by an owner in the event the facility closes.</p>
NA	<u>[18 VAC 41-40-90. Limited term tattooer license.</u>	NA	<p><u>[A. A limited term tattooer license is effective for five consecutive days prior to the expiration date.]</u></p> <p><u>[B. A person may obtain a maximum of five limited term tattooer licenses within a calendar year.]</u></p> <p><u>[C. A person may obtain a maximum of two limited term tattooer licenses within a thirty consecutive days time period.]</u></p> <p><u>[D. A limited term tattooer applicant must meet the following qualifications:</u></p> <ol style="list-style-type: none"> <u>1. Requirements set forth in 18 VAC 41-50-20 A 1 through 18 VAC 41-50-20 A 4.</u> <u>2. Documentation of health education knowledge to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR that is acceptable to the board.]</u> <p><u>[E. A limited term tattooer applicant is not required to complete 18 VAC 41-50-20 A 5.]</u></p> <p>An option for licensure is as a limited term tattooer this section establishes the parameters and requirements for licensure as a limited term tattooer.</p>
NA	<u>[18 VAC 41-30-</u>	NA	<u>[A. Any individual wishing to operate a tattooing school or</u>

	<p><u>100. School license.</u></p>		<p><u>permanent cosmetic tattooing school shall obtain a school license in compliance with § 54.1-704.2 of the Code of Virginia.]</u></p> <p><u>[B. A tattooing school license or permanent cosmetic tattooing school license shall not be transferable and shall bear the same name and address as the school. Any changes in the name or address of the school shall be reported to the board in writing within 30 days of such change. The name of the school must indicate that it is an educational institution. All signs, or other advertisements, must reflect the name as indicated on the license issued by the board and contain language indicating it is an educational institution.]</u></p> <p><u>[C. In the event of a change of ownership of a school, the new owners shall be responsible for reporting such changes in writing to the board within 30 days of the changes.]</u></p> <p><u>[D. In the event of a school closing, the board must be notified by the owners in writing within 30 days of the closing, and the license must be returned.]</u></p> <p>To provide qualifications for schools the section sets forth the requirements for obtaining a tattooing or permanent cosmetic tattooing school license in compliance with § 54.1-704.2 of the Code of Virginia. This section also specifies actions to be taken by an owner in the event of a closing of a school.</p>
<p>NA</p>	<p><u>18 VAC 41-40-110. Tattooing instructor certificate.</u></p>	<p>NA</p>	<p><u>[A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a tattooing instructor certificate if the person:</u></p> <ol style="list-style-type: none"> <u>1. Holds a current Virginia tattooer license; and</u> <u>2. Provides documentation of 3 years of work experience within the past 5 years.]</u> <p><u>[B. Tattooing instructors shall be required to maintain a tattooer license.]</u></p> <p>Schools are required to use certified instructors and this section sets forth the requirements for obtaining a tattooing instructor certification.</p>
<p>NA</p>	<p><u>18 VAC 41-40-120. Permanent cosmetic tattooing instructor certificate.</u></p>	<p>NA</p>	<p><u>[A. Upon filing an application with the Board for Barbers and Cosmetology, any person meeting the qualifications set forth in this section shall be eligible for a permanent cosmetic tattooing instructor certificate if the person:</u></p>

			<p><u>1. Holds a current Virginia permanent cosmetic tattooer license or master permanent cosmetic tattooer license; and</u></p> <p><u>2. Provides documentation of 3 years of work experience within the past 5 years.]</u></p> <p><u>[B. Permanent cosmetic tattooing instructors shall be required to maintain a permanent cosmetic tattooer license or master permanent cosmetic tattooer license.]</u></p> <p>Sets forth the requirements for obtaining a permanent cosmetic tattooing instructor certification.</p>																																										
<p>NA</p>	<p><u>18 VAC 41-50-90 130]. Fees.</u></p>	<p>NA</p>	<p>The following fees apply:</p> <table border="1"> <thead> <tr> <th><u>FEE TYPE</u></th> <th><u>AMOUNT DUE</u></th> <th><u>WHEN DUE</u></th> </tr> </thead> <tbody> <tr> <td colspan="3"><u>Individuals:</u></td> </tr> <tr> <td><u>Application</u></td> <td><u>\$55</u></td> <td><u>With application</u></td> </tr> <tr> <td><u>License by Endorsement</u></td> <td><u>\$55</u></td> <td><u>With application</u></td> </tr> <tr> <td><u>Renewal:</u></td> <td><u>\$55</u></td> <td><u>With renewal card prior to</u></td> </tr> <tr> <td><u>Reinstatement</u></td> <td><u>\$110*</u> <u>*includes \$55</u></td> <td><u>With reinstatement</u></td> </tr> <tr> <td colspan="3"><u>[Instructors:]</u></td> </tr> <tr> <td><u>[Application]</u></td> <td><u>[\$60]</u></td> <td><u>[With application]</u></td> </tr> <tr> <td><u>[License by Endorsement]</u></td> <td><u>[\$60]</u></td> <td><u>[With application]</u></td> </tr> <tr> <td><u>[Renewal]</u></td> <td><u>[\$60]</u></td> <td><u>With renewal card prior to</u></td> </tr> <tr> <td><u>[Reinstatement]</u></td> <td><u>[\$120*</u> <u>*includes \$60</u></td> <td><u>[With reinstatement]</u></td> </tr> <tr> <td colspan="3"><u>Parlors [or salons]:</u></td> </tr> <tr> <td><u>Application</u></td> <td><u>\$90</u></td> <td><u>With application</u></td> </tr> <tr> <td><u>Renewal</u></td> <td><u>\$90</u></td> <td><u>With renewal card prior to</u></td> </tr> </tbody> </table>	<u>FEE TYPE</u>	<u>AMOUNT DUE</u>	<u>WHEN DUE</u>	<u>Individuals:</u>			<u>Application</u>	<u>\$55</u>	<u>With application</u>	<u>License by Endorsement</u>	<u>\$55</u>	<u>With application</u>	<u>Renewal:</u>	<u>\$55</u>	<u>With renewal card prior to</u>	<u>Reinstatement</u>	<u>\$110*</u> <u>*includes \$55</u>	<u>With reinstatement</u>	<u>[Instructors:]</u>			<u>[Application]</u>	<u>[\$60]</u>	<u>[With application]</u>	<u>[License by Endorsement]</u>	<u>[\$60]</u>	<u>[With application]</u>	<u>[Renewal]</u>	<u>[\$60]</u>	<u>With renewal card prior to</u>	<u>[Reinstatement]</u>	<u>[\$120*</u> <u>*includes \$60</u>	<u>[With reinstatement]</u>	<u>Parlors [or salons]:</u>			<u>Application</u>	<u>\$90</u>	<u>With application</u>	<u>Renewal</u>	<u>\$90</u>	<u>With renewal card prior to</u>
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NA	<u>18 VAC 41-50-140 140].</u> <u>Refunds.</u>	NA	<p><u>All fees are nonrefundable and shall not be prorated.</u></p> <p>To inform persons of refund procedure this section establishes that all fees are nonrefundable and shall not be prorated.</p>															
NA	<u>18 VAC 41-50-140 150].</u> <u>License renewal required.</u>	NA	<p><u>All tattooer licenses, and tattoo parlor licenses, [tattooing instructors, tattooing schools, permanent cosmetic tattooer licenses, master permanent cosmetic tattooer licenses, permanent cosmetic tattoo salon licenses, and permanent cosmetic tattooing schools] shall expire two years from the last day of the month in which they were issued.</u></p> <p>Licenses are valid for two years and this section prescribes the dates for renewal of licenses.</p>															
NA	<u>18 VAC 41-50-120 160].</u>	NA	<p><u>All licensed tattooers [, permanent cosmetic tattooers, and master permanent cosmetic tattooers] shall be required to</u></p>															

	<p><u>Continuing education requirement.</u></p>		<p><u>satisfactorily complete a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, first aid and CPR during their licensed term. Documentation of training completion shall be provided at the time of renewal along with the required fee.</u></p> <p>Continuing education was decided as beneficial to protecting the health and safety of the public and this section prescribes a requirement for completion of a continuing education course in order for tattooers, permanent cosmetic tattooers, and master permanent cosmetic tattooers to renew his licensee.</p>
<p>NA</p>	<p><u>18 VAC 41-50-130 170]. Notice of renewal.</u></p>	<p>NA</p>	<p><u>The Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal. Failure to receive this notice, however, shall not relieve the licensee of the obligation to renew. If the licensee fails to receive the renewal notice, a copy of the old license may be submitted as evidence of intent to renew, along with the required fee.</u></p> <p>To inform persons of renewal procedures, this section sets forth that the Department of Professional and Occupational Regulation will mail a renewal notice to the licensee outlining the procedures for renewal, however, failure to receive this notice shall not relieve the licensee of the obligation to renew.</p>
<p>NA</p>	<p><u>18 VAC 41-50-140 180]. Failure to renew.</u></p>	<p>NA</p>	<p><u>A. When a tattooer[, permanent cosmetic tattooer, or master permanent cosmetic tattooer] shall-fails to renew their license within 30 days following its expiration date, the licensee shall meet the renewal requirements [prescribed in 18 VAC 41-50-130], and apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.</u></p> <p><u>B. When a tattooer[, permanent cosmetic tattooer, or master permanent cosmetic tattooer] fails to renew their license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant, shall meet all current application requirements, shall pass the Board's current examination and shall receive a new license.</u></p> <p><u>C. When a tattoo parlor [or permanent cosmetic tattoo salon] fails to renew its license within 30 days following the expiration date it shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.</u></p>

			<p><u>D. When a tattoo parlor [or permanent cosmetic tattoo salon] fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.</u></p> <p><u>E. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within 30 days following the expiration date shall be required to apply for reinstatement of the license by submitting to the Department of Professional and Occupational Regulation a reinstatement application along with the required renewal and reinstatement fees.</u></p> <p><u>F. When a tattooing school or permanent cosmetic tattooing school fails to renew its license within two years following the expiration date, reinstatement is no longer possible. To resume practice, the former licensee shall apply for licensure as a new applicant and shall meet all current application requirements.]</u></p> <p><u>G. The date a renewal fee is received by the Department of Professional and Occupational Regulation, or its agent, will be used to determine whether the requirement for reinstatement of a license is applicable and an additional fee is required.</u></p> <p><u>H. When a license is reinstated, the licensee shall have the same license number and shall be assigned an expiration date two years from the previous expiration date of the license.</u></p> <p><u>I. A licensee who reinstates his license shall be regarded as having been continuously licensed without interruption. Therefore, a licensee shall be subject to the authority of the board for activities performed prior to reinstatement.</u></p> <p><u>J. A licensee who fails to reinstate his license shall be regarded as unlicensed from the expiration date of the license forward. Nothing in this chapter shall divest the board of its authority to discipline a licensee for a violation of the law or regulations during the period of time for which the individual was licensed.</u></p> <p>To inform persons of reinstatement procedures this section sets forth the criteria and procedures for reinstatement in the event that a licensee fails to renew their license or certification.</p>
NA	<u>18 VAC 41-50-150 190.</u> <u>General requirements.</u>	NA	<p><u>A. Any person desiring to enroll in the tattooing apprenticeship program shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing,</u></p>

			<p><u>and first aid and CPR.</u></p> <p><u>B. Any tattooer desiring approval to perform the duties of an apprenticeship sponsor and offer the board’s tattooing apprenticeship program shall meet the requirements in 18 VAC 41-50-70.</u></p> <p><u>[C. All apprenticeship training shall be conducted in a tattoo parlor that has met the requirements of 18 VAC 41-50-80.]</u></p> <p>Health education was decided as needed for individuals entering an apprenticeship program, and this section sets forth the general requirements for individuals enrolling in tattooing apprenticeship training program. This section also specifies that any individual desiring to serve as an apprenticeship sponsor shall meet the requirements set forth in 18 VAC 41-50-70 and that apprenticeship training must be conducted in a licensed tattoo parlor.</p>
<p>NA</p>	<p><u>18 VAC 41-50-160 200].</u> <u>Apprenticeship curriculum requirements.</u></p>	<p>NA</p>	<p><u>Apprenticeship curriculum requirements are as follows:</u></p> <ol style="list-style-type: none"> <u>1. Microbiology.</u> <ol style="list-style-type: none"> <u>a. Microorganisms, viruses, bacteria, fungi;</u> <u>b. Transmission cycle of infectious diseases; and</u> <u>c. Characteristics of antimicrobial agents.</u> <u>2. Immunization.</u> <ol style="list-style-type: none"> <u>a. Types of immunizations;</u> <u>b. Hepatitis A – G transmission and immunization;</u> <u>c. HIV/AIDS;</u> <u>d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;</u> <u>e. Measles, mumps, and rubella;</u> <u>f. Vaccines and immunization; and</u> <u>g. General preventative measures to be taken to protect the tattooist tattooer] and client.</u> <u>3. Sanitation and Disinfection.</u> <ol style="list-style-type: none"> <u>a. Definition of terms.</u> <ol style="list-style-type: none"> <u>(1) Sterilization;</u> <u>(2) Disinfection and disinfectant;</u> <u>(3) Sterilizer or sterilant;</u> <u>(4) Antiseptic;</u> <u>(5) Germicide;</u> <u>(6) Decontamination; and</u> <u>(7) Sanitation.</u> <u>b. The use of steam sterilization equipment and techniques;</u> <u>c. The use of chemical agents, antiseptics, disinfectants, and fumigants;</u> <u>d. The use of sanitation equipment;</u> <u>e. Preservice sanitation procedure; and</u> <u>f. Post-service sanitation procedure.</u>

			<p><u>4. Safety.</u></p> <ul style="list-style-type: none"> <u>a. Proper needle handling and disposal;</u> <u>b. How to avoid overexposure to chemicals;</u> <u>c. The use of Material Safety Data Sheets;</u> <u>d. Blood spill procedures;</u> <u>e. Equipment and instrument storage; and</u> <u>f. First aid and CPR.</u> <p><u>5. Bloodborne pathogen standards.</u></p> <ul style="list-style-type: none"> <u>a. OSHA and CDC bloodborne pathogen standards;</u> <u>b. Control Plan for bloodborne pathogens;</u> <u>c. Exposure control plan for tattooers;</u> <u>d. Overview of compliance requirements; and</u> <u>e. Disorders and when not to service a client.</u> <p><u>6. Professional Standards.</u></p> <ul style="list-style-type: none"> <u>a. History of tattooing;</u> <u>b. Ethics;</u> <u>c. Record keeping:</u> <ul style="list-style-type: none"> <u>(1) Client health history;</u> <u>(2) Consent forms; and</u> <u>(3) HIPPA [(Health Insurance Portability and Accountability Act of 1996 Privacy Rule)] Standards.</u> <u>d. Preparing station, making appointments, parlor ethics:</u> <ul style="list-style-type: none"> <u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u> <u>(2) Promoting services of the parlor and establishing clientele.</u> <u>e. Parlor management:</u> <ul style="list-style-type: none"> <u>(1) Licensing requirements; and</u> <u>(2) Taxes.</u> <u>f. Supplies:</u> <ul style="list-style-type: none"> <u>(1) usages;</u> <u>(2) ordering; and</u> <u>(3) storage.]</u> <p><u>7. Tattooing.</u></p> <ul style="list-style-type: none"> <u>a. Client consultation;</u> <u>b. Client health form;</u> <u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u> <u>g. Proper use of equipment; [and]</u> <u>h. Material selection and use.</u> <u>i. Needles;</u> <u>j. Ink;</u> <u>k. Machine:</u> <ul style="list-style-type: none"> <u>(1) construction;</u>
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			<p><u>(2) adjustment; and</u> <u>(3) power supply.</u> <u>l. Art, drawing; and;</u> <u>m. Portfolio;</u></p> <p><u>8. Anatomy.</u> <u>a. Understanding of skin; and</u> <u>b. Parts and functions of skin.</u></p> <p><u>9. Virginia tattooing laws and regulations.]</u></p> <p>Subjects needed for competency training were determined and his section sets forth the tattooing apprenticeship training curriculum requirements.</p>
NA	<u>18 VAC 41-50-1479 210].</u> <u>Hours of instruction and performances.</u>	NA	<p>A. Curriculum requirements specified in 18 VAC 41-50-1460 200 shall be taught over a minimum of 1500 hours as follows:</p> <ol style="list-style-type: none"> 1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5 and 6 [, 8, and 9] of 18 VAC 41-50-1460 200; 2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18 VAC 41-50-1460 200; and 3. The remaining 1000 hours shall be devoted to practical training [to include but not limited to apprenticeship curriculum requirements] and a total of 100 performances pertaining to subdivision 7 of 18 VAC 41-50-1460 200. <p>B. An approved tattooing apprenticeship program may conduct an assessment of an apprentice's competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 700 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.</p> <p>Allocation of hours of training was determined, and this section establishes the hours and performance requirements for the tattooing apprenticeship training program and establishes that a competency assessment may be conducted and an apprentice be given credit towards the curriculum and performance requirements in order that an apprentice with previous training and experience may through demonstration of their competency receive credit toward curriculum and performance requirements.</p>
NA	<u>18 VAC 41-50-220. Applicants for tattooing school license.</u>	NA	<p><u>[Any person or entity desiring to operate a tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.]</u></p> <p>To inform person interested in apply for school license of the standard time frame for submitting an application this section</p>

			sets forth the timeframe requirements for obtaining a license to operate a tattooing school.
NA	<u>18 VAC 41-50-230. General requirements.</u>	NA	<p>[A tattooing school shall:</p> <ol style="list-style-type: none"> <u>1. Hold a tattooing school license for each and every location.</u> <u>2. Hold a tattoo parlor license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.</u> <u>3. Employ a staff of certified tattooing instructors.</u> <u>4. Develop individuals for entry level competency in tattooing.</u> <u>5. Submit its curricula for board approval.</u> <u>6. Inform the public that all services are performed by students if the tattooing school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.</u> <u>7. Classroom instruction must be conducted in an area separate from the area where practical instruction is conducted and services are provided.</u> <u>8. All instruction and training of tattooers shall be conducted under the direct supervision of a certified tattooing instructor.]</u> <p>To inform persons of standard school operation requirements this section sets forth the general requirements for operating a tattooing school.</p>
NA	<u>18 VAC 41-30-240. School identification.</u>	NA	<p><u>[Each tattooing school approved by the board shall identify itself to the public as a teaching institution.]</u></p> <p>To communicate type of operation to public. This section sets forth that each tattooing school licensed by the board shall identify itself to the public as a teaching institution.</p>
NA	<u>18 VAC 41-30-250. Records.</u>	NA	<p><u>[A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises</u></p>

			<p><u>of each school.]</u></p> <p><u>[B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.]</u></p> <p><u>[C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.]</u></p> <p><u>[D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed by a current student upon receipt of a written request from the student.]</u></p> <p>So student records are maintained and accessible, this section establishes requirements for tattooing schools to keep records of the hours and performances of students upon graduation, termination or withdrawal and sets forth a retention period of five years for these records.</p>
NA	<u>18 VAC 41-30-260. Hours reported.</u>	NA	<p><u>[Within 30 days of the closing of a licensed tattooing school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.]</u></p> <p>To provide notification of closing and status of current training this section prescribes a timeframe upon which a licensed tattooing school shall provide a written report on the performances and hours of each of its students to the board in the event that the school closes.</p>
NA	<u>18 VAC 41-50-270. Health Education.</u>	NA	<p><u>[Any person desiring to enroll in the tattooing school shall be required to provide documentation of satisfactory completion of a minimum of five hours of health education to include but not limited to blood borne disease, sterilization, and aseptic techniques related to tattooing, and first aid and CPR.]</u></p> <p>Health education was decided as needed for individuals entering a tattooing school. Health education requirement corresponds with health education for apprentices. This section establishes health education requirement for students enrolling in a tattooing school.</p>
NA	<u>18 VAC 41-50-280. Tattooing school</u>	NA	<p><u>[Tattooing school curriculum requirements are as follows:]</u></p> <p><u>[1. Microbiology.</u></p>

	<p><u>curriculum requirements.</u></p>		<ul style="list-style-type: none"> <u>a. Microorganisms, viruses, bacteria, fungi;</u> <u>b. Transmission cycle of infectious diseases; and</u> <u>c. Characteristics of antimicrobial agents.</u> <p><u>2. Immunization.</u></p> <ul style="list-style-type: none"> <u>a. Types of immunizations;</u> <u>b. Hepatitis A – G transmission and immunization;</u> <u>c. HIV/AIDS;</u> <u>d. Tetanus, streptococcal, zoonotic, tuberculosis, pneumococcal, and influenza;</u> <u>e. Measles, mumps, and rubella;</u> <u>f. Vaccines and immunization; and</u> <u>g. General preventative measures to be taken to protect the tattooist and client.</u> <p><u>3. Sanitation and Disinfection.</u></p> <ul style="list-style-type: none"> <u>a. Definition of terms:</u> <ul style="list-style-type: none"> <u>(1) Sterilization;</u> <u>(2) Disinfection and disinfectant;</u> <u>(3) Sterilizer or sterilant;</u> <u>(4) Antiseptic;</u> <u>(5) Germicide;</u> <u>(6) Decontamination; and</u> <u>(7) Sanitation.</u> <u>b. The use of steam sterilization equipment and techniques;</u> <u>c. The use of chemical agents, antiseptics, disinfectants, and fumigants;</u> <u>d. The use of sanitation equipment;</u> <u>e. Preservice sanitation procedure; and</u> <u>f. Post-service sanitation procedure.</u> <p><u>4. Safety.</u></p> <ul style="list-style-type: none"> <u>a. Proper needle handling and disposal;</u> <u>b. How to avoid overexposure to chemicals;</u> <u>c. The use of Material Safety Data Sheets;</u> <u>d. Blood spill procedures;</u> <u>e. Equipment and instrument storage; and</u> <u>f. First aid and CPR.</u> <p><u>5. Bloodborne pathogen standards.</u></p> <ul style="list-style-type: none"> <u>a. OSHA and CDC bloodborne pathogen standards;</u> <u>b. Control plan for bloodborne pathogens;</u> <u>c. Exposure control plan for tattooers;</u> <u>d. Overview of compliance requirements; and</u> <u>e. Disorders and when not to service a client.</u> <p><u>6. Professional Standards.</u></p> <ul style="list-style-type: none"> <u>a. History of tattooing;</u> <u>b. Ethics;</u> <u>c. Record keeping:</u> <ul style="list-style-type: none"> <u>(1) Client health history;</u> <u>(2) Consent forms; and</u> <u>(3) HIPPA (Health Insurance Portability and</u>
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			<p style="text-align: center;"><u>Accountability Act of 1996 Privacy Rule) Standards.</u></p> <p><u>d. Preparing station, making appointments, parlor ethics:</u> <u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u> <u>(2) Promoting services of the parlor and establishing clientele.</u></p> <p><u>e. Parlor management:</u> <u>(1) Licensing requirements; and</u> <u>(2) Taxes.</u></p> <p><u>f. Supplies:</u> <u>(1) usages;</u> <u>(2) ordering; and</u> <u>(3) storage.]</u></p> <p><u>7. Tattooing.</u> <u>a. Client consultation;</u> <u>b. Client health form;</u> <u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u> <u>g. Proper use of equipment;</u> <u>h. Material selection and use.</u> <u>i. Needles;</u> <u>j. Ink;</u> <u>k. Machine:</u> <u>(1) construction;</u> <u>(2) adjustment; and</u> <u>(3) power supply.</u> <u>l. Art, drawing; and;</u> <u>m. Portfolio;</u></p> <p><u>8. Anatomy.</u> <u>a. Understanding of skin; and</u> <u>b. Parts and functions of skin.</u></p> <p><u>9. Virginia tattooing laws and regulations.]</u></p> <p>Subjects needed for training were determined to correspond with apprenticeship subjects and his section sets forth prescribes specific curriculum requirements for a tattooing training program.</p>
NA	<u>18 VAC 41-50-290. Hours of instruction and performances.</u>	NA	<p><u>[A. Curriculum requirements specified in 18 VAC 41-50-280 shall be taught over a minimum of 750 hours as follows:</u></p> <p><u>1. 350 hours shall be devoted to theory pertaining to subdivisions 1, 2, 4, 5, 6, 8, and 9 of 18 VAC 41-50-280;</u></p> <p><u>2. 150 hours shall be devoted to theory pertaining to subdivision 3 of 18 VAC 41-50-280; and</u></p> <p><u>3. The remaining 250 hours shall be devoted to</u></p>

			<p><u>practical training to include but not limited to tattooing curriculum requirements and a total of 100 performances pertaining to subdivision 7 of 18 VAC 41-50-280.]</u></p> <p><u>[B. An approved tattooing school may conduct an assessment of a student’s competence in the theory and practical requirements for tattooing and, based on the assessment, give a maximum of 350 hours of credit towards the requirements in subdivisions A 1 and A 3 of this section. No credit shall be allowed for the 150 hours required in subdivision A 2 of this section.]</u></p> <p>Allocation of hours of training was determined, and this section establishes the hours and performance requirements for the tattooing training program and establishes that a competency assessment may be conducted and an applicant may be given credit towards the curriculum and performance requirements in order that an applicant with previous training and experience may through demonstration of their competency receive credit toward curriculum and performance requirements.</p>
<p>NA</p>	<p><u>18 VAC 41-50-300. Applicants for permanent cosmetic tattooing school license.</u></p>	<p>NA</p>	<p><u>[Any person or entity desiring to operate a permanent cosmetic tattooing school shall submit an application to the board at least 60 days prior to the date for which approval is sought.]</u></p> <p>To inform person interested in apply for school license of the standard time frame for submitting an application this section sets forth the timeframe requirements for obtaining a license to operate a permanent cosmetic tattooing school.</p>
<p>NA</p>	<p><u>18 VAC 41-50-310. General requirements.</u></p>	<p>NA</p>	<p>[A permanent cosmetic tattooing school shall:</p> <ol style="list-style-type: none"> <u>1. Hold a permanent cosmetic tattooing school license for each and every location.</u> <u>2. Hold a permanent cosmetic tattoo salon license if the school receives compensation for services provided in the area where practical instruction is conducted and services are provided.</u> <u>3. Employ a staff of certified permanent cosmetic tattooing instructors.</u> <u>4. Develop individuals for entry level competency in permanent cosmetic tattooing.</u> <u>5. Submit its curricula for board approval.</u> <u>6. Inform the public that all services are performed by students if the permanent cosmetic tattooing</u>

			<p><u>school receives compensation for services provided in its clinic by posting a notice in the reception area of the shop or salon in plain view of the public.</u></p> <p>7. <u>Classroom instruction must be conducted in an area separate from the area where practical instruction is conducted and services are provided.</u></p> <p>8. <u>All instruction and training of permanent cosmetic tattooers shall be conducted under the direct supervision of a certified permanent cosmetic tattooing instructor.</u></p> <p>To inform persons of standard school operation requirements this section sets forth the general requirements for operating a permanent cosmetic tattooing school.</p>
<p>NA</p>	<p><u>18 VAC 41-30-320. School identification.</u></p>	<p>NA</p>	<p><u>[Each permanent cosmetic tattooing school approved by the board shall identify itself to the public as a teaching institution.]</u></p> <p>To communicate type of operation to public. This section sets forth that each permanent cosmetic tattooing school licensed by the board shall identify itself to the public as a teaching institution.</p>
<p>NA</p>	<p><u>18 VAC 41-30-330. Records.</u></p>	<p>NA</p>	<p><u>[A. Schools are required to keep upon graduation, termination or withdrawal, written records of hours and performances showing what instruction a student has received for a period of five years after the student terminates or completes the curriculum of the school. These records shall be available for inspection by the department. All records must be kept on the premises of each school.]</u></p> <p><u>[B. For a period of five years after a student completes the curriculum, terminates or withdraws from the school, schools are required to provide documentation of hours and performances completed by a student upon receipt of a written request from the student.]</u></p> <p><u>[C. Prior to a school changing ownership or a school closing, the schools are required to provide to current students documentation of hours and performances completed.]</u></p> <p><u>[D. For a period of one year after a school changes ownership, schools are required to provide documentation of hours and performances completed</u></p>

			<p><u>by a current student upon receipt of a written request from the student.</u></p> <p>So student records are maintained and accessible, this section establishes requirements for permanent cosmetic tattooing schools to keep records of the hours and performances of students upon graduation, termination or withdrawal and sets forth a retention period of five years for these records.</p>
NA	<u>18 VAC 41-30-340. Hours reported.</u>	NA	<p><u>[Within 30 days of the closing of a licensed permanent cosmetic tattooing school, for any reason, the school shall provide a written report to the board on performances and hours of each of its students who have not completed the program.]</u></p> <p>To provide notification of closing and status of current training this section prescribes a timeframe upon which a licensed permanent cosmetic tattooing school shall provide a written report on the performances and hours of each of its students to the board in the event that the school closes.</p>
NA	<u>18 VAC 41-50-350. Health Education.</u>	NA	<p><u>[Any person desiring to enroll in the permanent cosmetic tattooing school shall be required to provide documentation of satisfactory completion of health education on blood borne disease.]</u></p> <p>Health education was decided as needed for individuals entering a permanent cosmetic tattooing school. Health education requirement corresponds with health education for apprentices. This section establishes health education requirement for students enrolling in a permanent cosmetic tattooing school.</p>
NA	<u>18 VAC 41-50-360. Permanent cosmetic tattooing school curriculum requirements.</u>	NA	<p><u>[Permanent cosmetic tattooing school curriculum requirements are as follows:]</u></p> <ul style="list-style-type: none"> <u>1. Virginia tattooing laws and regulations.</u> <u>2. Machines and devices.</u> <ul style="list-style-type: none"> <u>a. Coil machine;</u> <u>b. Hand device; and</u> <u>c. Others devices.</u> <u>3. Needles.</u> <ul style="list-style-type: none"> <u>a. Types;</u> <u>b. Uses; and</u> <u>c. Application.</u> <u>4. Anatomy.</u> <ul style="list-style-type: none"> <u>a. Layers of skin;</u> <u>b. Parts and functions of skin; and</u> <u>c. Diseases.</u>

			<p><u>5. Color theory.</u> <u>a. skin and pigment color; and</u> <u>b. handling and storage of pigments.</u></p> <p><u>6. Transmission cycle of infectious diseases.</u></p> <p><u>7. Immunization.</u> <u>a. Types of immunizations; and</u> <u>b. General preventative measures to be taken to protect the tattooist and client.</u></p> <p><u>8. Sanitation and Disinfection.</u> <u>a. Definition of terms:</u> <u>(1) Sterilization;</u> <u>(2) Disinfection and disinfectant;</u> <u>(3) Sterilizer or sterilant;</u> <u>(4) Antiseptic;</u> <u>(5) Germicide;</u> <u>(6) Decontamination; and</u> <u>(7) Sanitation.</u> <u>b. The use of steam sterilization equipment and techniques;</u> <u>c. The use of chemical agents, antiseptics, and disinfectants;</u> <u>d. The use of sanitation equipment;</u> <u>e. Preservice sanitation procedure; and</u> <u>f. Post-service sanitation procedure.</u></p> <p><u>9. Safety.</u> <u>a. Proper needle handling and disposal;</u> <u>c. Blood spill procedures;</u> <u>d. Equipment and instrument storage; and</u> <u>e. First aid.</u></p> <p><u>10. Bloodborne pathogen standards.</u> <u>a. OSHA and CDC bloodborne pathogen standards;</u> <u>b. Overview of compliance requirements; and</u> <u>c. Disorders and when not to service a client.</u></p> <p><u>11. Anesthetics.</u> <u>a. Use;</u> <u>b. Types;</u> <u>c. Application; and</u> <u>d. Removal</u></p> <p><u>12. Equipment.</u> <u>a. Gloves;</u> <u>b. Masks;</u> <u>c. Apron;</u> <u>d. Chair;</u> <u>e. Lighting; and</u> <u>f. Work table</u></p>
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			<p><u>13. Professional Standards.</u> <u>a. History of permanent cosmetic tattooing;</u> <u>b. Ethics;</u> <u>c. Record keeping:</u> <u>(1) Client health history; and</u> <u>(2) Consent forms.</u> <u>d. Preparing station, making appointments, salon ethics:</u> <u>(1) Maintaining professional appearance, notifying clients of schedule changes; and</u> <u>(2) Promoting services of the salon and establishing clientele.</u> <u>e. Salon management:</u> <u>(1) Licensing requirements; and</u> <u>(2) Taxes.</u></p> <p><u>14. Permanent cosmetic tattooing.</u> <u>a. Client consultation;</u> <u>b. Client health form;</u> <u>c. Client disclosure form;</u> <u>d. Client preparation;</u> <u>e. Sanitation and safety precautions;</u> <u>f. Implement selection and use;</u> <u>g. Proper use of equipment;</u> <u>h. Material selection and use.</u> <u>i. Eyebrows;</u> <u>j. Eyeliner;</u> <u>k. Lip coloring; and</u> <u>l. Lip liners;]</u></p> <p>Subjects needed for training were determined and this section prescribes specific curriculum requirements for a tattooing training program.</p>
<p>NA</p>	<p><u>18 VAC 41-50-370. Hours of instruction and performances.</u></p>	<p>NA</p>	<p><u>[A. Curriculum and performance requirements specified in 18 VAC 41-50-360 shall be taught over a minimum shall be offered over a minimum of 90 clock hours.]</u></p> <p><u>[B. A minimum of 50 performances shall be completed as part of the required instruction. Completion of performances are determined as follows:</u> <u>1. Two complete eyebrows constitutes one performance;</u> <u>2. Two complete eye liners constitutes one performance; and</u> <u>3. One complete lip liner constitutes one performance.]</u></p> <p>Allocation of hours of training was determined, and this section establishes the hours and performance requirements for the permanent cosmetic tattooing training program and establishes that a competency assessment may be conducted and an applicant may be given credit towards the curriculum and performance requirements in order that an applicant with</p>

			previous training and experience may through demonstration of their competency receive credit toward curriculum and performance requirements.
NA	<u>18 VAC 41-50- [180 380]. Display of license.</u>	NA	<p>A. <u>Each tattoo parlor owner [or permanent cosmetic tattoo salon owner] shall ensure that all current licenses issued by the board shall be displayed in the reception area of the parlor [or salon] or in plain view of the public. Duplicate licenses shall be posted in a like manner in every parlor [or salon] or location where the licensee provides services.</u></p> <p>B. <u>Each parlor owner [or permanent cosmetic tattoo salon owner] shall ensure that no licensee [, apprentice, or student] performs any service beyond the scope of practice for the applicable license.</u></p> <p>C. <u>Each [tattoo] parlor owner [or permanent cosmetic tattoo salon owner] shall offer to licensees the full series of Hepatitis B vaccine.</u></p> <p>D. <u>Each [tattoo] parlor owner [or permanent cosmetic tattoo salon owner] shall maintain a record for each licensee of [one of the following]:</u></p> <ol style="list-style-type: none"> <u>1. Proof of completion of the full series of Hepatitis B vaccine;</u> <u>2. Proof of immunity by blood titer; or</u> <u>3. Written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.</u> <p>E. <u>All licensees shall operate under the name in which the license is issued.</u></p> <p>Responsibilities of owners were determined and this section establishes (i) the requirements for owners to ensure proper display or licenses for practitioners operating in their facility, (ii) that the owner is responsible for ensuring that licensees only perform services that are within their scope of practice and that all licensees operate under the name in which the license was issued, (iii) that each owner shall maintain a record of completion of the full series of Hepatitis B vaccine, proof of immunity, or written declaration of refusal of the owner's offer of a full series of Hepatitis B vaccine.</p>
NA	<u>18 VAC 41-50- [190 390]. Physical facilities[, parlors and salons].</u>	NA	<p>A. <u>A parlor [or salon] must be in a permanent building or portion of a building, which must be in a location permissible under local zoning codes, if any. If applicable, the parlor [or salon] shall be separated from any living quarters by complete floor to ceiling partitioning and shall contain no access to living quarters.</u></p>

		<p><u>B. The parlor [, salon,] or temporary location shall be maintained in a clean and orderly manner.</u></p> <p><u>C. All facilities shall have a blood spill clean-up kit in the work area.</u></p> <p><u>D. Work surfaces shall be cleaned with an EPA registered, hospital grade disinfectant. Surfaces that come in contact with blood or other body fluids shall be immediately disinfected with an EPA registered germicide solution. Appropriate personal protective equipment shall be worn during cleaning and disinfecting procedures.</u></p> <p><u>E. Cabinets for the storage of instruments, dyes, pigments, single use articles, carbon stencils and other utensils shall be provided for each operator and shall be maintained in a sanitary manner.</u></p> <p><u>F. Bulk single-use articles shall be commercially packaged and handled in such a way as to protect them from contamination.</u></p> <p><u>G. All materials applied to the human skin shall be from single use articles or transferred from bulk containers to single use containers and shall be disposed of after each use.</u></p> <p><u>H. The walls, ceilings, and floors shall be kept in good repair. The tattooing area shall be constructed of smooth, hard, surfaces that are non-porous, free of open holes or cracks, light colored, and easily cleaned. New parlor shall not include any dark-colored surfaces in the tattooing area. Existing parlors [or salons] with dark-colored surfaces in the tattooing area shall replace the dark-colored surfaces with light-colored surfaces whenever the facilities are extensively remodeled or upon relocation of the business.</u></p> <p><u>I. Parlors [and , salons, or] temporary locations shall have adequate lighting of at least 50 foot-candles of illumination in the tattooing and sterilization areas.</u></p> <p><u>J. Adequate mechanical ventilation shall be provided in the parlor.</u></p> <p><u>K. Each parlor [, salon] or temporary location shall be equipped with hand-cleaning facilities for its personnel with unobstructed access to the tattooing area such that the tattooer can return to the area without having to touch anything with his hands. Hand-cleaning facilities shall be equipped either with hot and cold or tempered running water under pressure and liquid germicidal soap or with a sanitizing solution to clean hands. Hand-cleaning facilities shall be equipped with single-use towels or mechanical hand drying devices and a covered refuse container. Such facilities shall be kept clean and in good repair. All facilities must have running water and soap accessible for cleaning</u></p>
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			<p><u>of hands contaminated by body fluids.</u></p> <p><u>L. Animals are not permitted in the parlor, [salon,] or temporary location except for guide or service animals accompanying persons with disabilities, or non-mammalian animals in enclosed glass containers such as fish aquariums, which shall be outside of the tattooing or sterilization areas. No animals are allowed in the tattooing or sterilization areas.</u></p> <p><u>M. Use of tobacco products and consumption of alcoholic beverages shall be prohibited in the tattooing or sterilization areas.</u></p> <p><u>N. No food or drink will be stored or consumed in the tattooing or sterilization areas except for client’s use in order to sustain optimal physical condition; such food and drink must be individually packaged.</u></p> <p><u>O. If tattooing is performed where cosmetology services are provided, it shall be performed in an area that is separate and enclosed.</u></p> <p><u>[P. All steam sterilizers shall be biological spore tested at least monthly.]</u></p> <p><u>[Q. Biological spore tests shall be verified through an independent laboratory.]</u></p> <p><u>[R. Biological spore test records shall be retained for a period of three years and made available upon request.]</u></p> <p><u>[S. Steam sterilizers shall be used only for instruments used by the parlor’s employees.]</u></p> <p>For the protection of the health and safety of the public this section sets forth the sanitation and safety standards for parlors or salons where tattooing or permanent cosmetic tattooing services are provided to include disinfection and storage of implements, sanitation of equipment, articles, tools, and products. This section also establishes safety standards pertaining to sterilization areas where services are provided, the proper handling of blood spills, and client health guidelines.</p>
<p>NA</p>	<p><u>18 VAC 41-50- [200 400]. Tattooer [or permanent cosmetic tattooer or master permanent cosmetic</u></p>	<p>NA</p>	<p><u>A. All tattooers shall provide to the owner [one of the following]:</u></p> <ol style="list-style-type: none"> <u>1. Proof of completion of the full series of Hepatitis B vaccine;</u> <u>2. Proof of immunity by blood titer; or</u> <u>3. Written declaration of refusal of the owner’s offer of a</u>

	<p><u>tattooer] responsibilities</u> :</p>	<p><u>full series of Hepatitis B vaccine.</u></p> <p><u>B. All tattooers shall wear clean outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty.</u></p> <p><u>C. All tattooers shall clean their hands thoroughly using hot or tempered water with a liquid germicidal soap or use sanitizing solution to clean hands before and after tattooing and as necessary to remove contaminants.</u></p> <p><u>D. All tattooers must wear single-use examination gloves while assembling tattooing instruments and while tattooing.</u></p> <p><u>E. Each time there is an interruption in the service, each time the gloves become torn or perforated, or whenever the ability of the gloves to function as a barrier is compromised[: :]</u></p> <p><u>1. Gloves should [shall] be removed and disposed of; and</u></p> <p><u>2. Hands shall be cleaned and a fresh pair of gloves used.</u></p> <p><u>F. Tattooers shall use standard precautions while tattooing. A tattooer diagnosed with a communicable disease shall provide to the department a written statement from a health care practitioner that the tattooer's condition no longer poses a threat to public health.</u></p> <p><u>G. Tattooers with draining lesions on their hands or face will not be permitted to work until cleared by a health-care professional.</u></p> <p><u>H. The area of the client's skin to be tattooed shall be cleaned with an approved germicidal soap according to label directions.</u></p> <p><u>I. Tattooing inks and dyes shall be placed in a single-use disposable container for each client. Following the procedure, the unused contents and container will be properly disposed of.</u></p> <p><u>J. If shaving is required, razors shall be single-use and disposed of in a puncture resistant container.</u></p> <p><u>K. Each tattooer performing any tattooing procedures in the parlor [or salon] shall have the education, training [.] and experience, or any combination thereof, to practice aseptic technique and prevent the transmission of bloodborne pathogens. All procedures shall be performed using aseptic technique.</u></p> <p><u>L. A set of individual, sterilized needles shall be used for each client. Single-use disposable instruments shall be disposed</u></p>
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			<p><u>of in a puncture resistant container.</u></p> <p><u>M. Used, non-disposable instruments shall be kept in a separate, puncture resistant container until brush scrubbed in hot water soap and then sterilized by autoclaving. Contaminated instruments shall be handled with disposable gloves.</u></p> <p><u>N. Used instruments that are ultrasonically cleaned shall be rinsed under running hot water prior to being placed in the used instrument container;</u></p> <p><u>O. Used instruments that are not ultrasonically cleaned prior to being placed in the used instrument container shall be kept in a germicidal or soap solution until brush scrubbed in hot water and soap and sterilized by autoclaving.</u></p> <p><u>P. The ultrasonic unit shall be sanitized daily with a germicidal solution.</u></p> <p><u>Q. Nondisposable instruments shall be sterilized and shall be handled and stored in a manner to prevent contamination. Instruments to be sterilized shall be sealed in bags made specifically for the purpose of autoclave sterilization and shall include the date of sterilization. If nontransparent bags are utilized, the bag shall also list the contents.</u></p> <p><u>R. Autoclave sterilization bags with a color code indicator that changes color upon proper sterilization shall be utilized during the autoclave sterilization process.</u></p> <p><u>S. Instruments shall be placed in the autoclave in a manner to allow live steam to circulate around them.</u></p> <p><u>T. Contaminated disposable and single-use items shall be disposed of in accordance with [federal and] state regulations regarding disposal of biological hazardous materials.</u></p> <p><u>[U. Follow the manufacturer’s written instructions of the autoclave.]</u></p> <p>To protect the health and safety of the public this section specifies in detail the responsibilities of tattooers pertaining to safety and sanitation measures to be taken while providing tattooing services. This section also establishes that each tattooer shall provide the parlor owner with a record of completion of the full series of Hepatitis B vaccine, proof of immunity, or written declaration of refusal of the owner’s offer of a full series of Hepatitis B vaccine.</p>
NA	<u>18 VAC 41-50- [219 410]. Client</u>	NA	<p><u>A. Except as permitted in § 18.2-371.3 of the Code of Virginia, a client must be a minimum of 18 years of age and shall present at the time of the tattooing for permanent</u></p>

	<p><u>qualifications, disclosures, and records.</u></p>		<p><u>cosmetic tattooing]</u> a valid, government issued, positive identification card including, but not limited to, a driver's license, passport, or military identification. The identification must contain a photograph of the individual and a printed date of birth.</p> <p><u>B. The tattooer[, permanent cosmetic tattooer, or master permanent cosmetic tattooer]</u> shall verify and document in the permanent client record the client's age, date of birth, and the type of identification provided.</p> <p><u>C. No person may be tattooed [or permanent cosmetic tattooed]</u> who appears to be under the influence of alcohol or drugs.</p> <p><u>D. Tattooing [or permanent cosmetic tattooing]</u> shall not be performed on any skin surface which manifests any evidence of unhealthy conditions such as rashes, boils, infections, or abrasions.</p> <p><u>E. Before receiving a tattoo [or permanent cosmetic tattoo],</u> each client and client's parent or guardian, if applicable, shall be informed verbally and in writing, using the client disclosure form prescribed by the board, about the possible risk and dangers associated with the application of each tattoo. Signatures of both the client and the tattooer shall be required on the client disclosure form to acknowledge receipt of both the verbal and written disclosures.</p> <p><u>F. The tattoo parlor or temporary location [or permanent cosmetic tattoo salon]</u> shall maintain proper records for each client. The information shall be permanently recorded and made available for examination by the department or authorized agent. Records shall be maintained at the tattoo parlor <u>[or permanent cosmetic tattoo salon]</u> for at least two years following the date of the last entry. The temporary location client records shall be maintained by the license holder. The permanent records shall include the following:</p> <ol style="list-style-type: none"> <u>1. The name, address, and telephone number of the client;</u> <u>2. The date tattooing [or permanent cosmetic tattooing] was performed;</u> <u>3. The client's age, date of birth, and a copy of the positive identification provided to the tattooer [, permanent cosmetic tattooer, or master permanent cosmetic tattooer];</u> <u>4. The specific color or colors of the tattoo [or permanent cosmetic tattoo] and, when available, the manufacturer's catalogue or identification number of each color used;</u>
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<p>NA</p>	<p><u>18 VAC 41-50-[220 420]. Grounds for license [or certificate] revocation [or ,] suspension [or probation]; denial of application, renewal or reinstatement; or imposition of a monetary penalty.</u></p>	<p>NA</p>	<p>A. <u>The board may, in considering the totality of the circumstances, fine any licensee [or certificate holder] and suspend [, place on probation] or revoke or refuse to renew or reinstate any license [or certificate], or deny any application issued under the provisions of Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia and the regulations of the board if the board finds that:</u></p> <p>1. <u>The licensee[, certificate holder, or applicant] is incompetent, negligent in practice, or incapable mentally or physically, as those terms are generally understood in the profession, to practice as a tattooer; [permanent cosmetic:]</u></p> <p>2. <u>The licensee[, certificate holder,] or applicant is convicted of fraud or deceit in the practice tattooing;</u></p> <p>3. <u>The licensee[, certificate holder,] or applicant obtained, [attempted to obtain,] renewed or reinstated a license by false or fraudulent representation;</u></p> <p>4. <u>The licensee[, certificate holder,] or applicant violates or induces others to violate, or cooperates with others in violating, any of the provisions of this chapter or Chapter 7 (§ 54.1-700 et seq.) of Title 54.1 of the Code of Virginia or any local ordinance or regulation governing standards of health and sanitation of the establishment in which tattooers may practice or offer to practice;</u></p> <p>5. <u>The licensee[, certificate holder,] or applicant fails to</u></p>

			<p><u>produce, upon request or demand of the board or any of its agents, any document, book, record, or copy thereof in a licensee's or owner's possession or maintained in accordance with this chapter;</u></p> <p>6. <u>A licensee [or certificate holder] fails to notify the board of a change of name or address in writing within 30 days of the change for each and every license. The board shall not be responsible for the licensee's [or certificate holder's] failure to receive notices, communications and correspondence caused by the licensee's failure to promptly notify the board in writing of any change of name or address or for any other reason beyond the control of the board;</u></p> <p>7. <u>The licensee[, certificate holder,] or applicant publishes or causes to be published any advertisement that is false, deceptive, or misleading;</u></p> <p>8. <u>The licensee[, certificate holder,] or applicant fails to notify the board in writing within 30 days of the suspension, revocation, or surrender of a license[, or certificate[, or permit]] in connection with a disciplinary action in any other jurisdiction or of any license [, or certificate[, or permit]] which has been the subject of disciplinary action in any other jurisdiction; or</u></p> <p>9. <u>In accordance with § 54.1-204 of the Code of Virginia, the licensee or applicant [certificate holder] has been convicted in any jurisdiction of a misdemeanor or felony which directly relates to the profession of tattooing. The board shall have the authority to determine, based upon all the information available, including the applicant's [regulant's] record of prior convictions, if the applicant [regulant] is unfit or unsuited to engage in the profession of tattooing [or permanent cosmetic tattooing]. The board will decide each case by taking into account the totality of the circumstances. Any plea of nolo contendere shall be considered a conviction for the purposes of this section. The applicant shall provide a certified copy of a final order, decree or case decision by a court or regulatory agency with the lawful authority to issue such order, decree or case decision, and such copy shall be admissible as prima facie evidence of such conviction. This record shall be forwarded by the applicant to the board within 10 days after all appeal rights have expired.</u></p> <p>B. <u>In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend [, place on probation] or refuse to renew or reinstate the license of any tattoo parlor[, limited term tattoo parlor, or permanent cosmetic tattoo salon] or impose a fine as permitted by law, or both, if the board finds that:</u></p>
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			<p>1. <u>The owner or operator of the tattoo parlor[, limited term tattoo parlor, or permanent cosmetic tattoo salon] fails to comply with the facility requirements of tattoo parlors [limited term tattoo parlor, or permanent cosmetic tattoo salons] provided for in this chapter or in any local ordinances; or</u></p> <p>2. <u>The owner or operator allows a person who has not obtained a license to practice as a tattooer[, limited term tattooer, permanent cosmetic tattooer, or master permanent cosmetic tattooer] unless the person is duly enrolled as an apprentice.</u></p> <p><u>[C. In addition to Subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend, place on probation, or refuse to renew or reinstate the license of any school or impose a fine as permitted by law, or both, if the board finds that:</u></p> <p>1. <u>An instructor of the approved school fails to teach the curriculum as provided for in this chapter;</u></p> <p>2. <u>The owner or director of the approved school permits or allows a person to teach in the school without a current tattooing instructor certificate; or</u></p> <p>3. <u>The instructor, owner or director is guilty of fraud or deceit in the teaching of tattooing.]</u></p> <p>C <u>[D]. In addition to subsection A of this section, the board may, in considering the totality of the circumstances, revoke, suspend [, place on probation,] or refuse to renew or reinstate the license of any licensee or impose a fine as permitted by law, or both, if the board finds that the licensee fails to take sufficient measures to prevent transmission of communicable or infectious diseases or fails to comply with any local, state or federal law or regulation governing the standards of health and sanitation for the practice of tattooing.</u></p> <p>To give direction on grounds for action by the Board this section establishes the grounds for license revocation or suspension, denial of application, renewal or reinstatement, or imposition of monetary penalties for licensees.</p>
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Regulatory flexibility analysis

Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum:

1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

The regulations were developed with consideration that the tattooing industry consists of small businesses. The board considers that the regulatory methods implemented were promulgated to implement the applicable law while minimizing the adverse impact on small businesses and are consistent with the regulation of small businesses of other professions regulated by the Board for Barbers and Cosmetology.

Family impact

Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action is not expected to have any significant impact on families.